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THE MATHEMATICAL ANALYSIS OF SUPREME COURT DECISIONS: THE USE AND ABUSE OF QUANTITATIVE METHODS

FRANKLIN M. FISHER
Society of Fellows, Harvard University[1]

Glendower: I can call spirits from the vasty deep.
Hotspur: Why, so can I, or so can any man;
But will they come when you do call for them?

Shakespeare, *Henry IV, Part I*, Act III, Scene 1

In the last decade, more and more political scientists have speculated on the possible applications of mathematical analysis to political phenomena.[2] It is the position of this paper that such discussion, when in the abstract, serves little purpose, for the question of whether or not quantitative techniques can fruitfully be so applied is essentially an empirical one and can only be resolved by experiment. Yet even a specifically experimental approach becomes challengeable if it can be shown to misunderstand and hence misemploy otherwise sound techniques. The claim to have solved problems whose mathematical features have not, in fact, been comprehended seems especially harmful in a field where the application of mathematics is as yet in its infancy, and this not only because minor impurities at the base of a growing framework may assume major proportions at its apex, but because exposure of error may breed unjustified disenchantment or give solace to those who prefer a casual, imprecise impressionism in the social sciences. In this paper, we propose fully to explore the mathematical nature of a particular problem—that of predicting Supreme Court decisions from a knowledge of the "facts" of the case—and to examine what can and can not be asserted about it from a mathematical point of view. We also intend to examine the validity of one solution to this problem which has been recently proposed.

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[1] I am grateful to George Kateb of Amherst, John R. Meyer of the Harvard Economics Department, and especially Henry Kariel of Harvard, for discussion of some or all of the points here made. Ellen Jo Paradise of Radcliffe College read all the cases involved and participated greatly in this study from its inception. All errors are mine, however.

[2] For examples see especially the work of Herbert A. Simon. See also Anthony Downs, *An Economic Theory of Democracy* (New York, 1957); L. S. Shapley and Martin Shubik, "A Method for Evaluating the Distribution of Power in a Committee System," this REVIEW, Vol. 48 (Sept. 1954), pp. 787–92; and Kenneth J. Arrow, "Mathematical Models in the Social Sciences," in Daniel Lerner and Harold D. Lasswell, eds., *The Policy Sciences* (Stanford, 1951), pp. 129–54.

I

Ever since Pritchett's book on the Roosevelt Court,[3] a good deal of the interest of the proponents of the use of mathematical analysis in political science has centered around the possibility of using quantitative techniques to classify the justices, to predict their decisions, or otherwise to analyze their actions.[4] Fred Kort's recent article, "Predicting Supreme Court Decisions Mathematically: A Quantitative Analysis of the 'Right to Counsel' Cases,"[5] attacks the prediction problem with apparent success. Kort seems to have succeeded in reducing the Supreme Court's actions in the state "right to counsel" cases to a mathematical formula which perfectly predicts the Court's decisions. In fact, not only does Kort successfully predict twelve out of fourteen decisions considered—the other two lie in a zone of uncertainty—he is also successful in predicting the decision in the most recent case of this type to come before the Court, a case which arose after the publication of his article.[6] If it is true that the only test of an empirical science is its ability to predict, then Kort's achievement is indeed impressive. An examination of what can and can not be legitimately inferred from the attainment of a perfectly predicting formula, both as regards the behavior of the Court and as regards the worth of the particular formula used, might well serve as the starting point in our exploration of the mathematical properties of the prediction problem in this area.

The problem, as set forth by Kort, is as follows: take certain "objective" variables or "pivotal factors"—essentially the "facts" of the case as stated in the Supreme Court opinion[7]—which appear in the cases to be analyzed, and assign to them numerical weights, in such a manner that when these weights are added for all the factors present in a particular case, the resulting sum is higher in all cases decided in favor of the original defendant than in any case decided against the original defendant. (We shall refer to these two groups of cases as "pros" and "cons" respectively.) Moreover, since the pivotal factors are defined so as to favor the original defendant if they are present, the weights assigned must all be non-negative (that is, positive or zero) since a negative weight would imply that the presence of the factor in question was detrimental to the original defendant. We set forth the condition which it is necessary and sufficient to impose on the behavior of the Supreme Court to ensure that the problem can be solved and solved perfectly—that is, we establish the behavioral assumption which is equivalent to the existence of a perfect prediction formula of the type described.

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[3] C. H. Pritchett, *The Roosevelt Court* (New York, 1948).

[4] Perhaps the ultimate expression of this has been provided in Harold D. Lasswell, "Current Studies in the Decision Process: Automation versus Creativity," *Western Political Quarterly*, Vol. 8 (Sept. 1955), pp. 381–99. Lasswell suggests (p. 398) that "the time is approaching when machines will be sufficiently well developed to make it practicable for trial runs to be carried out in which human decision-makers and robots are pitted against one another. When machines are more perfect a bench of judicial robots, for example, can be constructed." We shall see here, however, that the time "when machines are more perfect" is likely to come only when the law in a particular area has become so settled that the construction of "a bench of judicial robots" is both trivial and unnecessary.

[5] This REVIEW, Vol. 51 (March, 1957), pp. 1–12.

[6] *Moore v. Michigan*, 355 U. S. 155 (December 1957).

To find that condition, it is convenient to restate the problem in slightly more formal terms. Let us number the pivotal factors consecutively from 1 to n, where n is the number of factors. Corresponding to the ith pivotal factor (*i.e.*, to the general factor) we can define the variable X_i which is to equal one for a particular case if that factor is present and is otherwise to equal zero.[8] The prediction problem posed now becomes the one of finding n non-negative numbers, one for each factor, which we shall call $A_1, A_2, \cdots, A_n$ such that the expression:

$$A_1X_1 + A_2X_2 + A_3X_3 + \cdots + A_nX_n$$

has a higher value for all pro cases than for any con. However, if this is to be the case, then, clearly, there must[9] exist a positive number, K, such that the value of the above expression is greater than K for any pro case and less than K for any con. Letting the superscripts, p and c, indicate any pro case and any con case, respectively, we may write this as:

$$(1) \quad A_1X_1^p + A_2X_2^p + \cdots + A_nX_n^p > K > A_1X_1^c + A_2X_2^c + \cdots + A_nX_n^c$$

---

[7] Examples are: youth of the defendant; no assistance of counsel at various times in the proceedings; coercion to plead guilty; crime involved subject to capital punishment; and so forth. A complete list of the factors used by Kort is given in Table 1 below. We discuss the problem of their identification in the next section.

[8] In the case of factors which can appear more than once in a case we can choose either of two procedures. Either we can let the variable corresponding to such a factor take on a value for a particular case equal to the number of appearances of the factor in the case, or we can define a separate one-zero variable for each appearance—that is, treat each new appearance as a separate factor. Which treatment is chosen makes little difference. The second is most convenient for expository and the first for computational purposes.

[9] Unless a case with no factors present is a pro, in which case K will be zero. This is trivial, however. See footnote 15 below.

However, it is clear that nothing in the above would be changed if we doubled all the A's and doubled K, or halved them, or tripled them. It will be convenient, therefore, to divide the inequalities (1) by the value of K and thus fix the scale of the A's.[10] If we let $a_1 = A_1/K$, $a_2 = A_2/K$, and so forth, we have:

$$(2) \quad a_1X_1^p + a_2X_2^p + \cdots + a_nX_n^p > 1 > a_1X_1^c + a_2X_2^c + \cdots + a_nX_n^c$$

Now, let us suppose—to take a simple example—that only two pivotal factors are possible, represented by X_1 and X_2. Then the prediction problem can be represented graphically, as in Figure 1, as the problem of finding a line that slopes downward such that all points representing pros lie above it and to the right and all points representing cons lie below it and to the left. The equation of the line in this case would be:

$$(3) \qquad a_1X_1 + a_2X_2 = 1$$

and the requirement that it slope downhill is the requirement that a_1 and a_2 be non-negative.[11]

Similarly, if we had three pivotal factors, the problem would be that of finding a plane which cut off a corner of a box (the dimensions of the box being represented by X_1, X_2, and X_3) in such a way as to catch all points representing cons and no points representing pros between it and the box corner. The equation of the plane would be given by:

$$(4) \qquad a_1X_1 + a_2X_2 + a_3X_3 = 1$$

In general, the problem is that of finding a "hyperplane" (the generalization of the line or plane to more than three dimensions) such that all pros lie above it and all cons below it, the hyperplane being represented by:

$$(5) \qquad a_1X_1 + a_2X_2 + \cdots + a_nX_n = 1$$

This is what is expressed by (2).

Now, it happens that the condition under which such a hyperplane

---

[10] This procedure is called "normalization." It amounts to changing the scales on a graph by multiplying or dividing them by the same number. As in changing the scales on a graph, it is purely a convenience and doesn't change anything.

[11] Strictly speaking, since a_1 or a_2 can be zero, the line might be vertical or horizontal. The important point is that it can't slope uphill. That this construction is indeed the geometrical equivalent of (2) in two dimensions may be seen as follows: For any point above the line (3), say (X_1^0, X_2^0), there must exist a point on the line, say (X_1^1, X_2^1) such that $X_1^0 \geq X_1^1$, and $X_2^0 \geq X_2^1$ with at least one inequality holding. If a_1 and a_2 are both positive, the left-hand side of (3) will be greater for (X_1^0, X_2^0) than for (X_1^1, X_2^1), that is, greater than unity. (If one of the a's, say a_1, is zero, the expression may equal unity, but then the first factor doesn't count anyway and two cases with equal X_2 are really identical.) Similar remarks hold, *mutatis mutandis*, for points below the line, and a similar situation obtains in the more general case of n factors.

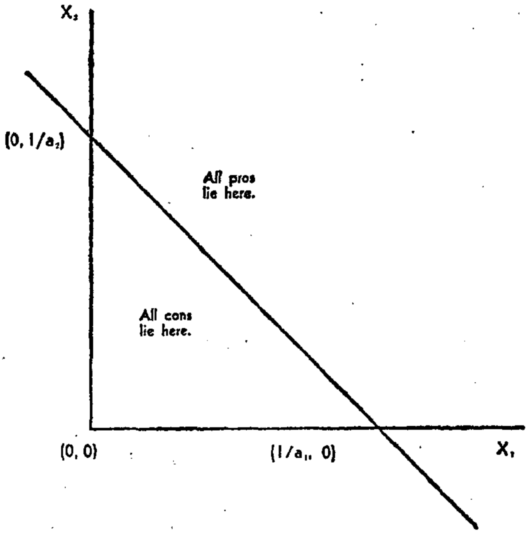

FIG. 1

or such a set of numbers $a_1, \cdots, a_n$ will exist (indeed, under which an infinity of such hyperplanes or sets of numbers will exist, as shown below) is a rather plausible assumption to make about the behavior of the Court. That condition is now set out formally and its meaning explained.

Condition 1: Suppose that we observe a pro case with a certain number, say F, of the factors present. Then we must never observe a con case with the *same* F factors present. (Whether or not other factors are present in the second case is irrelevant.)

What this means in terms of the Court's behavior is quite simple. *Condition 1* says that if the Court decides a case in favor of the original defendant, then there must be no other case in which the original defendant has in his favor *at least* exactly the same things as in the first case and receives an adverse decision. A transparently clear precedent must not be violated.

Equivalent statements to *Condition 1* are:[12]

Condition 1′: If we observe a con case with a certain number, say G, of the factors present, we must never observe a pro case where no factors are present that are not included in the original G factors.

Condition 1″: If we observe a con case with a certain number, say H, of the factors *absent*, then we must never observe a pro case where those *same H* factors are absent. (Whether or not other factors are absent in the second case is irrelevant.)

---

[12] The reader should satisfy himself that the following two statements are really equivalent to *Condition 1* and hence to each other, in the sense that any one of the three *Conditions* implies the other two.

These *Conditions* are the obverse of *Condition 1*. What each of them says is that if the Court decides a case *against* the original defendant, then there must exist no case in which the Court decides *for* the original defendant in spite of the fact that he has in his favor *at most* exactly the same things as the original defendant in the first case. Again, transparently clear precedents are not violated.[13]

Since *Conditions 1′* and *1″* are equivalent to *Condition 1*, we do not need to assume them. *Condition 1 alone is a necessary and sufficient condition for the existence of an infinite number of solutions to the prediction problem posed and the fact that a perfect predictor has been found implies no more than Condition 1.* In particular, without further justification it implies very little about the validity of the particular set of weights used. We shall return to this below. We shall refer to this statement as *Theorem 1*.

We omit the proof of *Theorem 1* for the general case of *n* factors as beyond the scope of the present not overly technical article. Reflection on the two dimensional case about to be presented graphically should convince the reader, however.

In the case of only two factors, already partially discussed, we have the following situation: First, the only possible points are those marked by dots in Figure 2, the points (0, 0), (1, 0), (1, 1), and (0, 1). The interpretation of *Condition 1* in this case is simply that if any of these points is a pro, so are all points which can be reached from that point by following the arrows as drawn. Conversely, if any of these points is a con, so are all points which can be reached from it by following the arrows backwards.[14] This being so, there are only six possible configurations, shown in Figures 3a–3f (pros being marked *P* and cons *C*), and for each of these an infinite number of lines like that of Figure 1 can be drawn which slope downhill, have non-negative intercepts (note Figure 3b),[15] and have all pros (if any) above and all cons (if any) below them. One

---

[13] Note, however, that we do not require the existence of cases in which they are actually followed. Cases presenting such clear features are, of course, not likely to come before the Court. What we require is merely the weak condition that if such a case does arise it is decided in the obvious way. Our *Conditions* would be satisfied if no such cases ever arose in fact.

[14] The reader should satisfy himself that these statements really are the interpretation of *Condition 1* and its equivalents.

[15] Figure 3b is the trivial situation mentioned in footnote 9 above where a case with no factors present is a pro. Here (2) does not apply, since division by zero is impossible. However, any set of positive weights will perfectly predict. The line drawn in the Figure illustrates one such set.

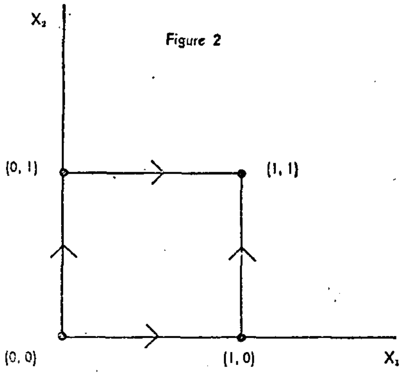
X₂
Figure 2
(0, 1)
(1, 1)
(0, 0)
(1, 0)
X₁

FIG. 2

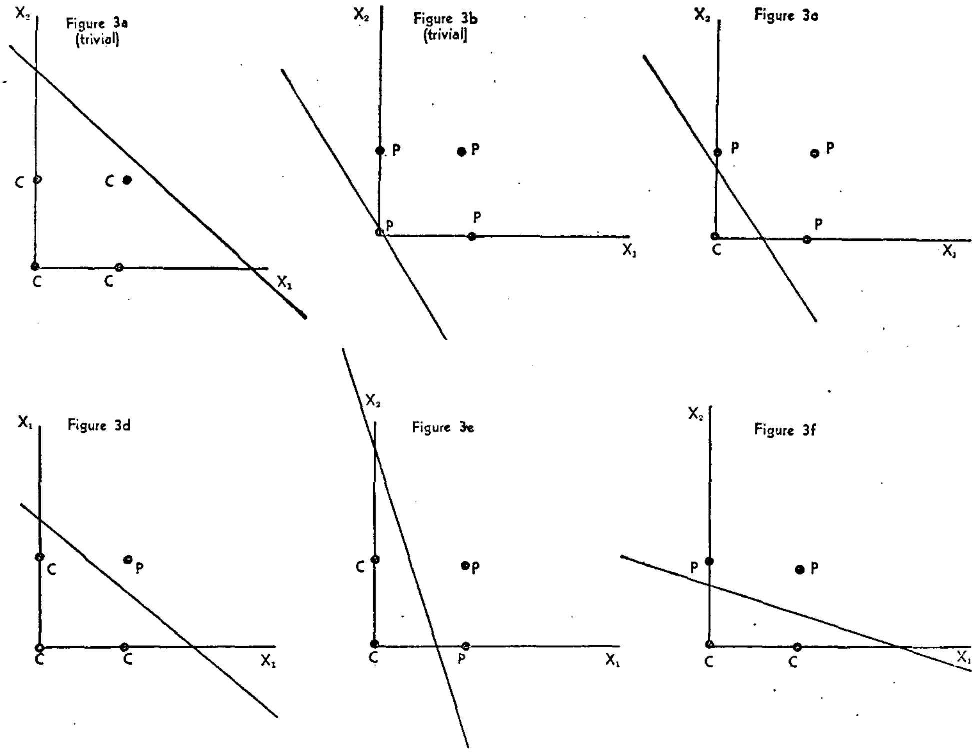
X₂
Figure 3a
(trivial)
C
C
C
C
X₁
X₂
Figure 3b
(trivial)
P
P
P
P
X₁
X₂
Figure 3c
P
P
C
P
X₁
X₁
Figure 3d
C
P
C
C
X₁
X₂
Figure 3e
C
P
C
P
X₁
X₂
Figure 3f
P
P
C
C
X₁

FIG. 3

such line is drawn in each Figure. The reader should satisfy himself that the line drawn is by no means unique. Finally, *Condition 1* is indeed necessary as well as sufficient, for no such line can be drawn given any configuration of pros and cons other than those depicted. As already remarked, a similar situation obtains in the general case of more than two factors.

Theorem 1 is a basic theorem in this problem. It ensures that prediction really is possible (and perfect!) given a relatively mild assumption about the Court's behavior. However, it also ensures that such prediction is a trivial affair. We shall return to this point in the last section. Here we explore the implications of *Theorem 1* for the gaining of knowledge of the Court's behavior through the construction of perfectly predicting linear weighting schemes.

Now, if we turn *Theorem 1* around it tells us that the mere fact that a given set of weights predicts perfectly implies relatively little about the way in which the Court actually behaves, about the "true" weights, if any; for *Condition 1* implies the existence of an infinite number of perfect weighting schemes. (Although, of course, there are also an infinite number of weighting schemes that don't work.) Moreover, as we shall see, the fact that a particular weighting scheme predicts perfectly not only tells us little about the true importance of the various factors, it also does not guarantee that all of them are even considered by the judges or that factors with extremely high weights are more important than factors with very low or zero ones (*i.e.*, in the "right to counsel" cases it tells us nothing about the relative importance of various procedural guarantees under the Fourteenth Amendment). These points are now developed.

In the first place, suppose that we have a set of n factors which satisfy *Condition 1*. Let us add to this set an additional factor, namely, that the original defendant's name has the letter "*d*" in it. The resulting set of $n+1$ factors will also satisfy *Condition 1* since the presence or absence of our added factor will not (one trusts) affect any decision. If we observe a pro case with this factor and certain other ones present, then we shall never observe a con case with all the same factors present, since, by assumption, *Condition 1* is satisfied for the original n factors. Clearly, however, *Theorem 1* would then permit the construction of a perfectly predicting weighting scheme which assigned our added factor a positive (although relatively small) weight. Formally, we have:

Theorem 2: If *Condition 1* is satisfied for any subset of a set of factors, it is also satisfied for the full set.

Corollary 1: The fact that a given weighting system perfectly predicts does not guarantee that all factors given positive weights are actually considered by the Court.

In point of fact, to return to Kort's analysis as a case in point, it is indeed the case that some of his factors are irrelevant in the sense that they add nothing to the ability to predict, speaking on the basis of the sample he considers. First, I am completely unable to see why Kort's twenty-sixth factor—"presence of a jurisdictional issue" (see Table 1 below)—is at all legitimate. Even if the Court actually treats a jurisdictional issue as though it affects the merits of a case, this is surely something which should be the *result* of the analysis, not something to be assumed. Besides, why on earth should we assume that the presence of a jurisdictional issue automatically favors the defendant? It seems to me that here we have a very real application of the principle just given, that predictive success does not imply relevance of all factors used.

Second—and more important—it is logically impossible to do as Kort claims to have done, namely, to assign weights to twenty-six factors on the basis of fourteen observations.[16] This may be seen from an examination of Figures 3a–3f. Only in the trivial cases, 3a and 3b, does it suffice to observe only one point in order to be able to draw the dividing line. In Figures 3e and 3f it takes two different points and in Figures 3c and 3d three different points to fix the position of the line. Moreover, in these cases it will not suffice to observe *any* set of points. In Figure 3f, for example, one must observe the two points (0, 1) and (1, 0), for the position of the line cannot be inferred from any other two points (*e.g.*, observing only the points (0, 0) and (1, 1) would not enable one to tell which of the four cases 3c–3f obtained and this would be true no matter in how many cases we observed them.) More generally, with the utmost in luck, it would take twenty-six observations to determine twenty-six weights solely from the decisions as rendered. This would occur in the case analogous to 3e or 3f where one observed twenty-six cases each with a different factor present and found that all but one of them sufficed to make the case a pro. In general, we must observe enough different points to be able to infer the entire configuration of pros and cons. This is obviously not the actual situation. (Note that if it were, the prediction problem could be solved by common sense. We shall revert to this below.) This is elementary even to the casual student of statistics, at least in similar situations. Finally, given the particular twenty-eight cases which Kort observes, even all the observations he has, his "test group" as well as his "source group," are not enough to allow him to infer weights for his twenty-six factors. The sample of cases used simply does not contain so much information; and if it did, prediction would be trivial.

We may conclude, therefore, that some of Kort's factors should really have zero weight. However, this does not mean that they are unimportant in the Court's decisions. It merely means that they do not aid prediction, that no inference concerning their "true" weights is possible. The fact that the prediction is perfect provides no test of the importance of these factors. In fact, it is likely that the most important factors are of the least aid in prediction, in a sample of cases of this sort, and therefore can properly (*i.e.*, without outside information such as judicial pronouncements about their importance) be given only very low or zero weights.

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[16] That is, it is impossible to draw the requisite hyperplane using only the results of fourteen cases. *At best* only fourteen weights could be determined. Kort is guessing *at least* twelve of the weights. We shall return to this below.

A simplified example will make this clear. Suppose that there were only three possible factors, which we may call A, B, and C. Suppose, further, that in reality A is by far the most important of these, so important, in fact, that no case in which A does not appear can ever be a pro. However, while A is thus necessary for a pro, let us suppose that it is not sufficient, that is, we suppose that either B or C is required in addition to A for a case to be strong enough to be a pro. On the other hand, B and C together do not suffice for a pro, as already assumed. It is then clear that a weighting scheme which tells us something about the relative importance of A, B, and C in the eyes of the Court must give A the highest weight. But now consider: if A is really as important as we have made it, if it is really necessary for a pro, the Supreme Court will refuse to consider cases that do not have A present. Certainly, at best it will consider only a very few such cases, and we may suppose that it does not consider any. But in that case, A is useless for prediction purposes, *so long as we look only at cases actually considered by the Court.* If all cases, cons as well as pros, have factor A present, then, again solely on the basis of the "objective" evidence, we cannot distinguish it from a factor which is not considered at all (the case discussed above) and must logically assign it zero weight, even though, in fact, it is the most important factor.[17] Another way of saying this is that the cases that actually come before the Supreme Court do not form a random sample of all cases of their type. Generally, such cases, as students of American constitutional law never tire of pointing out, are not the easier ones. Conceivably, as suggested in the next section, a *proper* analysis of a random sample of all cases considered *or refused* by the Court would yield information about the true relative importance of all the various factors,[18] but analysis of a sample such as the present one is unlikely to yield valid information concerning the more important factors.

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[17] Although, of course, *any* weight we assigned would do as well. The point is that there is no information in the cases considered as to what the "true" weight should be.

[18] I have, throughout this paper, ignored the fairly obvious point that the effects of the various factors in the minds of the justices are almost certainly not additive as Kort assumes. The fact that a defendant is young and illiterate does not simply add something to his chances; it also increases the weight given to the various procedural guarantees in question. Similarly for factors involving the seriousness of the punishment. However, since *Theorem 1* ensures the existence of perfect linear (*i.e.*, additive) predictors, this does

In this section, we have tried to show that mathematical analysis is indeed possible in this area, in the sense that it is possible to find an infinite number of perfectly predicting formulas, given a rather plausible assumption about the Court's behavior. We have also argued, however, that little meaning can be attached to the fact that a particular weighting scheme successfully predicts all cases. In particular: weights can properly be given to as many factors, at most, as there are cases; not all factors with positive weights may be considered relevant by the Court; and there is no guarantee, if only cases actually decided by the Court are considered in the analysis, that factors with zero weights are less important than those with positive weights, in the minds of the judges. In short, any inference about the worth of a particular weighting scheme must come from the way in which it is derived and the assumptions on which it rests and not from predictive success. Such success is indeed a necessary condition for the acceptance of a particular weighting scheme as indicative of the true relative importance of the various factors. What we have shown is that it is emphatically not a sufficient one.

It follows, then, that the worth of a prediction formula must be judged by standards other than that of predictive success. Accordingly, we now briefly examine the relative merits of two perfectly predicting methods of solution, the method used by Kort and the so-called method of "discriminant analysis," which is already well known in the quantitative literature of the other social sciences. That is, we discuss what assumptions each method requires for its validity and what could be inferred from its results as to the true relative importance of the various factors if the method were applied to a random sample of all cases decided or refused by the Court.

II

If predictive success does not imply that a given method of solution of the prediction problem is at all useful, what should we require of a solution? We have already indicated part of the answer in our *Theorem 2* and *Corollary 1*. The method of solution must at least have the property that it assigns positive weights *only* to the minimal set of factors for which *Condition 1* is satisfied, and it must assign *at most* as many weights

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not seem practically important. If a linear predictor always works as well as a non-linear one, it is difficult to find much meaning in the statement that the latter is correct. Besides, information about the relative importance of youth, illiteracy, previous experience in court, and the like in influencing the weight given to the various procedural guarantees can be inferred from the linear analysis, which is also much simpler to perform.

as there are cases. That is, the solution must not infer more than is strictly present in the data. If the situation is such that, so far as the sample of cases studied is concerned, no inference is logically possible as to the effect of a given factor (because it is never observed to determine a decision, for any observed combination of the other factors, *i.e.*, because the number and variety of cases observed is not sufficient to fix the position of the desired hyperplane), then a proper solution must not mislead us by appearing to make such an inference.

We may say a good deal more than this, however. A proper method of solution should have the property of being generalizable—of being inherently capable of application in other areas besides the present one, the "right to counsel" cases. In general, this will only be the case if the assumptions on which the method is based are comprehensible and communicable. This is the most important point of all. It is of no use to know that a method works in a particular area. As we have seen, so will many other methods. What we must know is the circumstances under which the method will work in other areas. We must understand the way in which it works and the assumptions that are required for it. Put this another way. The test of a theory is indeed its ability to predict, but to say that a theory has been thus tested, we must not only have prediction, we must also have a genuine, sufficiently inclusive theory. Mathematics is not a mystic device. It is a powerful and understandable tool for manipulating certain concepts. But the assumptions which lead to certain manipulations rather than to others must always correspond to assumptions about the real-world problem to which the mathematical tool is being applied—in the present case, to assumptions about the behavior of the Supreme Court. If such assumptions cannot be communicated to others—including non-mathematicians—then mathematics has been used illegitimately. The theory involved, if any, is not a theory about the real world, and the results can have no meaning save as a curiosity.

We now briefly consider the Kort solution. As indicated earlier, Kort takes twenty-eight cases and divides them (chronologically) into two groups of fourteen each. He then derives his weighting scheme on the basis of the first of these, the "source" group, and tests it on the second, the "test" group. We saw above that this is impossible without assuming more than is in the data since the number of factors far exceeds fourteen, the number of cases in the source group. If Kort's method is valid, then, it must be because of the inherent plausibility of its assumptions and not because it provides a direct inference to the position of the dividing hyperplane (5). That is, the Kort solution cannot simply be considered a legitimate method of locating the required hyperplane by looking at the characteristics and results of the various cases. No legitimate method can assign twenty-six non-zero weights on the basis of this sample. If we are to accept it, it must be because we believe that it really does provide an insight into the "true" weighting scheme of the Court, and not because it predicts well. Unfortunately, the methods used by Kort do not seem to provide such insight.

Kort begins by assigning to each factor a "preliminary value" (p.v.). This is done by looking at the pro case in the source group in which the factor in question appears with the least number of other factors.[19] The p.v. is the number of votes for the original defendant in that case, divided by the total number of factors present. Kort states that this represents "making temporarily the initial minimum assumption (contrary to fact and subject to later correction) that, as the votes of all justices are equal, so the weights of all factors are equal in the minds of the justices favoring the petitioner in the case where the given factor is most influential."[20] Accepting this takes a little effort—I fail to see, for example, why the fact that the votes of the justices are equal should imply anything at all about the relative weights of the factors in their minds—but, given that Kort realizes the assumption to be unrealistic, I could manage to swallow it were it not for what follows.[21]

And what follows really fills one with awe. For each case in the source group in which the factor in question appears, Kort computes an "intermediate value" (i.v.) for that factor. (The final weight assigned to each factor is the average of the intermediate values over the cases in which it appears.) This is done according to the following imaginative formula (where s is the number of votes for the original defendant in the case in question):

$$\begin{aligned}\text{i.v.} = s[&10\sqrt{\text{p.v. of factor in question}} + 5\\ &- (1/10)(\text{sum of p.v.'s of other factors in case})^2]\end{aligned}$$

Kort says of this formula that it involves the "necessary technical modifications of the preliminary values, to avoid minus quantities." It is, of course, true that the formula accomplishes this end, but it is certainly not a necessary consequence of the need for non-negative weights. One could, instead, for example, multiply the p.v. of the factor in question by 23.99π, add 482, and subtract the sum of the other p.v.'s. More simply, one could take the p.v. of the factor in question, subtract the sum of the other p.v.'s and add the smallest constant which would keep everything nonnegative. Either of these would mean just as much as Kort's formula and the second would be a good deal less complicated.[22] Surely, Kort's formula is completely uninterpretable in terms of the behavior of the Supreme Court.

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[19] If the factor does not appear in a pro at all, the con in which it appears with the greatest number of votes for the original defendant is taken.

[20] Kort, *op. cit.*, p. 6.

[21] It is indeed quite possible that Kort's procedure here provides a roughly correct way of telling which factors are most important. This surmise is not supported by the test given below, however.

Moreover, while it is true, as we have seen, that any acceptable weighting scheme must involve only non-negative weights, surely such a property should be the *result* of a weight setting method and not be built into it as an assumption. Put another way, if we set out to find perfectly predicting weights, or to estimate the "true" weighting system, and find negative weights, this tells us immediately either that there is something wrong with our estimation methods or that *Condition 1* is being violated, that the Court has been inconsistent. It is convenient to have this as a check on our assumptions—it happens that the method outlined below permits this—and we should emphatically not build our whole weight setting scheme on the assumption that the true weights are non-negative.

Finally, before leaving our discussion of Kort's analysis, we may mention two empirical matters.[23] We have already discussed the bias which results from considering only cases actually decided by the Court. A further danger results from the way in which Kort identifies his factors, namely, from a perusal of the Court's opinion.[24] Examination of *Canizio v. New York*, 327 U. S. 82, will make this clear. In this case, Canizio's counsel first appeared for him at the time of his sentencing, he having meantime pleaded guilty to a charge of robbery. The Supreme Court, however, through Mr. Justice Black, held that the fact that the counsel could have withdrawn the plea of guilty, under New York law, meant that Canizio had had, in effect, benefit of counsel throughout. Prediction of the result of this case, on the basis of Kort's article, would have been difficult indeed, since one would first have had to predict this interpretation of the facts. In point of fact, if one treats the *Canizio* case as one in which the defendant had no assistance of counsel at any time before sentencing, Kort's methods misclassify it as a pro. In short, prediction of Supreme Court decisions on the basis of the "facts" of the case as listed at the beginning of the majority opinion may well be possible. It is not likely to be terribly interesting. A more worthwhile endeavor would be to take as factors the facts as given in the lower court opinion, since the Supreme Court claims not to decide questions of fact, save where the opinion of the lower court is clearly erroneous.

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[22] Only Kort knows the truth here, but one suspects that he arrived at his formula after first trying other simpler ones (such as the second one given in the text) on the data. If the data used in such a procedure included the cases in the "test group" then that group in reality formed part of the "source."

[23] I regret that I could not be as generous to Dr. Kort in this paper as he has been to me in promptly and graciously providing me with a list of the appearances of the various factors in each case, as noted by him.

[24] I here pass over a number of minor disagreements. I do not understand, for example, why Kort observes the factor "jurisdictional issue" only in *Rice v. Olson*, 324 U. S. 786, when *White v. Ragen*, 324 U. S. 760, was actually dismissed for want of jurisdiction.

Second, it is possible to make an easy empirical test of the merits of Kort's weighting scheme. If, in fact, the justices are applying a consistent weighting scheme in the twenty-eight cases he considers, then it should make no difference whether we proceed as he does from the first fourteen cases to the last fourteen or *vice versa*; either way, the order of factors in importance should be approximately the same, if the estimation method used is at all valid. This is far from being the case, however. The order of factors as given by Kort and their order from this "backwards" test are given in Table 1. It is evident that the two are very different

TABLE I. CORRELATION OF KORT'S RANKING AND "BACKWARDS" RANKING

Factor	Kort's Rank[a]	"Backwards" Rank
Coercion or intimidation to plead guilty	1	25[c]
No assistance of counsel between arraignment and trial	2	11[b]
No explicit waiver of the "right to counsel"	3	11[b]
Detention and trial in a hostile environment	4	20.5[b]
Crime subject to capital punishment	5.5[b]	4
Arraignment without the assistance of counsel	5.5[b]	11[b]
Request of additional time, etc., denied	7	7.5[b]
No previous experience in court	8	17
No advice of the "right to counsel"	9.5[b]	5
Request of assigned counsel denied	9.5[b]	15
No assistance of counsel at the trial	11	11[b]
No assistance of counsel at the time of sentencing	12	11[b]
Youth	13	18
Detention incommunicado	14	22
Deception of the defendant	15.5[b]	19
No explicit presentation of charges	15.5[b]	23
Opportunity of consultation with own counsel denied	17	7.5[b]
Illiteracy	18	2
Crime subject to life imprisonment	19	6
Accelerated trial	20	3
Crime subject to twenty or thirty years imprisonment	21	16
Crime subject to five or ten years imprisonment	22	1[c]
Consequences of the plea of guilty not explained	23	20.5[b]
Procedural or substantive error	24	14
No assistance of counsel at any other phase of the proceeding	25	24
Jurisdictional issue	[d]	[d]

[a] Derived from Kort, *op. cit.*, Table III, p. 9.

[b] In cases of ties, the tying factors have been awarded the average place.

[c] Sic!

[d] This factor does not appear in the second group of cases and hence cannot be given a "backwards" rank. It ranks just above "Consequences of the plea of guilty not explained" in Kort's original weighting system.

indeed. The Spearman coefficient of rank order correlation[25] for the twenty-five factors that appear in both lists, is only .307. (A value of plus one indicates perfect correspondence between the two rankings. A value of zero indicates no relationship between them.) Since this could occur by chance about fifteen times out of one hundred if there were really no relationship, we conclude that the two rankings are not significantly related and hence that the Kort formula does not lead to a consistent weighting scheme. Of course, this also implies that the formula would not work in areas other than that of the "right to counsel" cases.[26]

If the Kort solution is not a proper one, then, what is? We have already mentioned a solution well known in the quantitative literature of the other social sciences, the method of "discriminant analysis."[27] This general method is precisely designed to solve the sort of problem with which we have to deal—the assignment of weights to the various attributes of certain items in such a way that the resulting linear function best discriminates between two specified classes into which the items fall. In terms of our problem, it provides an easy method for finding the hyperplane which "best" divides the pros from the cons.

The question of what is meant by "best" may be asked, however, since we have shown that an infinite number of hyperplanes perfectly discriminates in the instant case. The following are the desirable properties of discriminant analysis in the present problem: 1) Discriminant analysis provides an efficient and infallible method for making the maximum permissible inference as to the factor weights implied by the data. If two factors contain only the same information regarding the decision, they will be assigned equal weights. 2) If the data only contain information about a subset of factors (See *Theorem 2* and *Corollary 1*), discriminant analysis will assign positive weights only to the factors in that subset. All other factors will receive approximately zero weight. A related point is 3): if, in fact, there are not enough different cases observed to allow the specification of as many weights as there are factors, discriminant analysis will assign zero weight to those factors concerning which the sample provides no information.[28] 4) Since the assumption of non-negative weights is not built into discriminant analysis, an easy test is provided for the consistency of the Court.[29]

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[25] See F. C. Mills, *Statistical Methods* (New York, 1955) 3d ed., pp. 311 ff.

[26] The "backwards" weighting scheme, by the way, would misclassify at least two of the cases—not counting *Canizio*. Since a scheme that gives each of the factors equal weight does equally as well, this is not impressive. Again, if the Kort solution is correct, it ought to work equally well both ways.

[27] A technical and detailed description of this method, which was first applied in taxonomy and has since found major uses in psychology and sociology, may be found in G. Tintner, *Econometrics* (New York, 1952), pp. 96–102. The mechanics of the method are too complex to be dealt with here.

[28] As we have seen, in samples such as that used by Kort, these will generally be the factors of most interest and importance. We have hence not bothered to perform the analysis on Kort's sample.

Finally, and most importantly, the assumption required for the application of discriminant analysis is eminently plausible and communicable. As a matter of fact, we are already quite familiar here with that assumption. It is nothing more nor less than our own *Condition 1*, the condition that the Court not violate clear precedents. (If *Condition 1* is violated, there are several appropriate statistical techniques available for prediction, of which discriminant analysis is one. The use of such techniques might then add something, moreover, to our ability to predict, unlike the present instance. See below.) It is thus clear that discriminant analysis, unlike the methods used by Kort, is perfectly generalizable. If the problem can be perfectly solved, discriminant analysis will solve it. If not, then it will show us that the Court has not been consistent and will offer one of several good and legitimate predictors. The assumption required for the application of discriminant analysis is thus quite clear; it is the condition that a solution to the problem exists. As already stated, the application of this method to a better sample of "right to counsel" cases considered or rejected by the Court would yield an unbiased estimate of the relative importance of all of Kort's factors in the minds of the justices.

One might even go farther than this. Individual justices, as well as the Court as a whole, may be expected to obey *Condition 1*. Discriminant analysis would then furnish information about the way in which the individual justices rank the various factors, and, conceivably, compari-

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We add a technical point. If the sample is such that the appearances of two or more factors are not independent (*e.g.*, if two factors always appear together), no inference as to the weights of all such factors will be possible because there will be more unknowns to find than independent equations to solve. In particular, to take Kort's factors as an example, the four "seriousness of punishment" factors are not all independent since one and only one of them must appear in any given case; the value of the variable corresponding to any one of them will equal one minus the sum of the values of the variables corresponding to the others. It is thus impossible to observe or infer the effects of any one of them, "other things being equal." In cases like this, discriminant analysis is impossible without removing one of the factors (*i.e.*, assigning it zero weight or combining it with some other factor). In the present example, the factor "crime subject to five or ten years imprisonment" should be given a zero weight and removed since *every* case has at least this much punishment (assuming that the more serious the punishment the higher the weight of the factor). See Daniel Suits, "The Use of Dummy Variables in Regression Equations," *Journal of American Statistical Association*, Vol. 52 (Dec. 1957), pp. 548–51. I am indebted to John R. Meyer for this reference.

[29] Note, however, that such violation of *Condition 1* could always be found by simple inspection so that such a test provides merely an efficient check. The actual test is as follows: perform the analysis with the full set of factors, discard all factors with negative weights (such weights should be approximately zero) and recompute. Repeat this until only non-negative weights are obtained. (This should happen immediately.) If the weights thus found do not perfectly discriminate, then the Court has been inconsistent.

son of such rankings could yield useful information for the classification of the justices into groups—or it might imply that they cannot be classified. In either case, such analysis might be worth performing.

When all this is said and done, however, some words of caution must be added for those who esteem a viable social science and an open-ended society. Discriminant analysis will indeed solve the prediction problem which we have been discussing; however, we have chosen rather to emphasize the estimation of the factor weights implied in the line of cases analyzed. The reason for this emphasis is simple. *Theorem 1* ensures that, if *Condition 1* is satisfied, a solution exists, but it also ensures that, if *Condition 1* is satisfied, a solution is trivial so far as perfect prediction is concerned. *The circumstances which permit the legitimate construction of a perfectly predicting weighting scheme are precisely those under which all cases that arise present no new features and are covered by clear precedents such as those described in Conditions 1 and 1″.*

Other cases cannot be predicted with any assurance, since we can never be sure that a factor, concerning whose weight we have no information, will not be important enough to alter the decision. It was not discriminant analysis that enabled us to draw the dividing lines in Figures 3a–3f. It was simple inspection combined with *Condition 1*. To repeat, if—as is not the case in the sample of "right to counsel" cases examined by Kort—the number and variety of cases observed are sufficient to allow the construction of a perfectly predicting hyperplane by discriminant analysis or any other legitimate technique (*i.e.*, to allow the assignment of weights to *all* relevant factors), then they are also such as to provide a clear precedent for every future case, given *Condition 1*. Discriminant analysis is a potentially useful tool for analyzing the behavior of the Court in complicated situations. It is not of much use as a perfect predictor in those same situations, however; it only does efficiently what common sense can do as well and no other method can do better. Mathematics can perfectly predict on the basis of the presence or absence of factors in a case only in those areas where the law has attained a settled state and where public policy and opinion are such as to require that it remain settled. These are the frozen areas of easy prediction, however, so that mathematics can add only to the power to analyze, not to the power to predict. In other, more complicated, more interesting, and more inherently important areas where the law is still developing or where public policy requires that it should continue to develop, mathematical analysis provides no substitute for the opinions of the Court. Law, even mathematical law, is made by men.

REPLY TO FISHER'S *MATHEMATICAL ANALYSIS OF SUPREME COURT DECISIONS*

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We have had many reminders of the limits and risks of statistical predictions about human behavior. When I ventured last year to offer a formula describing Supreme Court action in the state "right to counsel" cases over a period of years, I was mainly concerned to show that, contrary to accepted judicial doctrine about decisions in unique cases, consistencies in the Court's collective judgments could be demonstrated in this area, and stated in quantitative terms. I did not suppose that the formula was more than a method of approximation. I did not offer it as the perfect formula, or the only one; and in particular I did not claim that it was capable of indefinite extension to other areas of constitutional law. An exploratory effort begins with what is available. But I did take into account, so far as the available data permitted, not only the Court's decisions, but also the votes of individual justices on each of the pivotal factors on which their positions could be identified or imputed. I did not claim more for the product than that, so far, it works. With this general statement, let me turn to Fisher's article.

A basic requirement of any valid criticism is an accurate description of its subject. Even a highly analytical and incisive critique becomes irrelevant if it attributes to its subject characteristics which are not actually there. To a large extent, Fisher's analysis of my study must be seen in this light. However, since his attack goes beyond the framework of a mistaken identity, this rebuttal cannot be correspondingly confined. Accordingly, my comments will deal with the following points: (1) Fisher's hyperplane analysis as compared with my approach to the problem; (2) his particular criticisms of the different steps I used in computing the weights of the pivotal factor; and (3) the evaluation of my method in comparison with other possible methods, including "discriminant analysis."

I

After his opening remarks Fisher turns to a description of the method I used, and then restates the problem as he sees it in terms of his hyperplane analysis. From his formulas and discussion it is readily apparent that the location of his hyperplane is an antecedent step in his process of determining the weights of the pivotal factors. In other words, the hyperplane separating the "pro" cases from the "con" must be located first, and then the weights of the pivotal factors can be sought. Exactly the reverse procedure was employed in my analysis. The weights of the pivotal factors were derived from the chronologically first half of the cases, the "source group," and then the dividing zone between pro and con cases was located by adding the weights of the factors so obtained for each case. While the weights of the factors were being computed, there was no assurance that a dividing zone actually would be found. Only after the computations were completed and applied to the weights of the source group cases was it possible to say that a dividing zone existed, and to locate it. Such an approach is entirely different from the determination of weights by means of Fisher's hyperplane analysis. Consequently, whatever other criticisms might be advanced against my method, certainly it cannot be identified with the hyperplane analysis. Moreover, the defects he finds in the hyperplane analysis—he points out a number of them—cannot be attributed to my method by virtue of the fact that they have been found in the hyperplane analysis.

Does Fisher actually identify my method with the hyperplane analysis? He begins his summary of my study with the following statement:

> The problem, as set forth by Kort, is as follows: take certain "objective" variables or "pivotal factors"—essentially the "facts" of the case as stated in the Supreme Court opinion—which appear in the cases to be analyzed, and assign to them numerical weights, *in such manner* that when these weights are added for all the factors present in a particular case, the resulting sum is higher in all cases decided in favor of the original defendant than in any case decided against the original defendant.[1]

But my method did not "assign . . . . weights, in such manner that . . . the resulting sum is higher in all cases decided in favor of the original defendant." The numerical distinction between "pro" and "con" cases was found *after* the weights of the pivotal factors had been determined on the basis of considerations that *did not* postulate the necessary existence of a dividing zone. Fisher's summary of my study is an incorrect description of it. This conclusion is confirmed when he proceeds by saying, ". . . it is convenient to restate the problem in slightly more formal terms," and then introduces his hyperplane analysis. What does he mean by "the problem"? Evidently, he is identifying his statement of it with mine. Beyond that there is his further statement:

> . . . it is impossible to draw the requisite hyperplane using only the results of fourteen cases. *At best* only fourteen weights could be determined. Kort is guessing *at least* twelve of the weights. . . .

It is true, of course, that in the hyperplane analysis twenty-six weights cannot be derived from fourteen cases. So, if it is claimed that this has been done by means of that method, at least twelve must have been guessed. This might imply that some weights have been derived "legitimately" and others have been guessed. Now, one thing is obvious in my study: the weights of all pivotal factors were derived consistently in accordance with the method set forth in my article. (The preliminary values were obtained in two ways, and the conditions under which one or the other would apply were clearly stated in the explanation given.) Even Fisher must concede that there was only one "method in my madness." By saying that I could have determined *at best* only fourteen weights from fourteen cases, Fisher gives further evidence of incorrectly identifying my method with the hyperplane analysis.

Before turning to the consequences of this mistaken identity, an additional point of misrepresentation should be mentioned: Fisher repeatedly refers to my method in terms of a "perfectly predicting" scheme, *e.g.*: ". . . we now briefly examine the relative merits of two perfectly predicting methods of solution, the method used by Kort and the so-called method of 'discriminant analysis'. . . ." Yet nowhere in my study did I use the term "perfect" or "perfectly" in describing the predictive aspects of my analysis. At one point I used the expression ". . . to predict correctly the decisions of the remaining cases. . . ."[2] when referring to the already decided "test group" cases. This merely describes what the study actually achieved. No claim that a perfectly predicting method has been developed can be attributed to this statement, nor can any such claim be inferred from any other statement in my article. On the contrary, the predictive potentialities of my analysis for future purposes were stated in cautious terms: "Evidently the same process, and, *it is tempting to suppose*, the same numerical values, can be applied to cases still to come, . . ."[3] Fisher's criticism that my method does not meet the requirements of a "perfectly predicting" method is not pertinent, simply because I did not claim so much for it.

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[1] Above, pp. 322–3. Emphasis supplied.

Since the hyperplane analysis does not represent the method I used, and since, therefore, any defects in it are irrelevant for my method, it would seem redundant to take issue with any particular part of Fisher's discussion of that subject. Nevertheless, some points in his discussion of the hyperplane analysis, independent of their context, could be presented as criticisms of my study. Let me now comment on these.

Fisher states that some factors in my study "are irrelevant in the sense that they add nothing to the ability to predict. . . . ." He mentions specifically only one such, namely, "jurisdictional issue." He asks: ". . .why on earth should we assume that the presence of a jurisdictional issue automatically favors the defendant?" A clear and precise answer to this question can be found in the majority opinion, by Justice Black, in *Rice v. Olson*, the very case from which the factor was obtained in my study:

> The petitioner's need for legal counsel in this case is strikingly emphasized by the allegation in his habeas corpus petition that the offense for which the state court convicted him was committed on a government Indian Reservation "without and beyond the jurisdiction of the Court [the state trial court]." This raises an involved question of federal jurisdiction, posing a problem that is obviously beyond the capacity of an even intelligent and educated layman, and which clearly demands the counsel of experience and skill.[4]

It is apparent that Fisher confuses "jurisdictional issue" in the trial court, where this factor—as has just been seen—is detrimental to the defendant in the absence of counsel, with a "jurisdictional issue" appearing before the Supreme Court upon review of the case, which, of course, has no bearing on the pivotal factors involved in the case. This confusion is again shown in Fisher's later reference to this same point:

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[2] Fred Kort, "Predicting Supreme Court Decisions Mathematically: A Quantitative Analysis of the 'Right to Counsel' Cases," this REVIEW, Vol. 51 (March, 1957), p. 1.

[3] *Ibid.*, p. 12. Emphasis supplied.

[4] 324 U. S. 786, at 789.

> I do not understand, for example, why Kort observes the factor "jurisdictional issue" only in *Rice v. Olson* (324 U. S. 786) when *White v. Ragen* (324 U. S. 760) was actually dismissed for want of jurisdiction.[5]

The difference between these two cases is, of course, precisely the one just pointed out. In *Rice v. Olson*, "jurisdictional issue" was a factor to the detriment of the defendant in the trial before the state court, whereas in *White v. Ragen* the issue involved the jurisdiction of the Supreme Court of the United States at that particular stage of the case history.

Since Fisher apparently questions the relevance of factors other than "jurisdictional issue"—he says, "some of his [my] factors," and then mentions specifically only "jurisdictional issue"—it should be noted that the Supreme Court's own appraisal of its position provided the basis for identifying the pivotal factors in my study. For that reason, the part of the opinion in *Uveges v. Pennsylvania* in which the Supreme Court summarized its position was quoted in my article.

At a later point Fisher speaks about the relative importance of the different factors, concluding that

> If all cases, cons as well as pros, have factor A present, then, again solely on the basis of the "objective" evidence, we cannot distinguish it from a factor which is not considered at all (the case discussed above) and must logically assign it zero weight, even though, in fact, it is the most important factor. Another way of saying this is that the cases that actually come before the Supreme Court do not form a random sample of all cases of their type. Generally, such cases, as students of American constitutional law never tire of pointing out, are not the easier ones. Conceivably . . . a *proper* analysis of a random sample of all cases considered *or refused* by the Court would yield information about the true relative importance of all the various factors, but analysis of a sample such as the present one [Kort's sample] is unlikely to yield valid information concerning the more important factors.[6]

First of all, it is quite unrealistic to suggest that there is any one factor which must be present for a pro decision. Certainly, my study did not identify any such factor. Second, Fisher assumes that all possible cases reach the Supreme Court by a petition for *certiorari*. Most cases involving procedural civil rights, including the "right to counsel," do come before the Court in this manner. However, Fisher should be aware of the fact that *certiorari* is not the only way in which the Supreme Court exercises its appellate jurisdiction.[7] It is entirely possible that a state "right to counsel" case might come before the Supreme Court by *appeal* (certification would be less likely), in which instance, unlike *certiorari*, the Court would have no discretionary power to accept or reject the case for review, but would have to review it as a matter of right, regardless of whether factor A is present or absent. Third, assuming that the cases in question come before the Court by petitions for *certiorari* and the Court accepts for review some which do not contain factor A—Fisher admits this possibility—then A certainly cannot be assigned zero weight, because, by Fisher's definition, it is an important factor and it does not appear in all cases reviewed by the Court. Fourth, a case that has not been decided by the Court, or has been decided without the benefit of an opinion, cannot be used for drawing any inferences regarding the Court's feelings about the relative importance of the pivotal factors. Only a case actually decided on its merits, with an opinion on its merits, can provide such information, unless a case is decided on jurisdictional grounds and the Court gives a clear indication how it would decide the case on its merits. Indeed, *White v. Ragen* is such a case, and it should be noted that this case was included in my study. To be sure, cases that the Court has not decided, or has decided without an opinion, may be highly significant for some kinds of analysis of the Court's decision-making; but they cannot be used for a content analysis of Supreme Court opinions, simply because such opinions do not exist in the cases to which Fisher wishes to extend this analysis.[8]

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[5] Above, p. 334, note 24.

[6] *Ibid.*, p. 330–1.

[7] See 28 *U. S. Code*, Secs. 1254, 1257

II

Among Fisher's criticisms of the particular steps I used in computing the weights of the factors, I turn first to his comment about the additive relationship among factors, which he introduces while still discussing the hyperplane analysis. Of course, there is no assurance that the factors are considered additively in the minds of the justices. On the other hand, it is highly doubtful that all of them are related on a multiplicative basis. Possibly, some are related one way and others the other way. The question is, which factors are additive and which are multiplicative? In the absence of any concrete information on that point, the assumption that promised to be least erroneous was made in my study, namely, that they all are additive. Again, this assumption came closest to the Court's own appraisal of its position in *Uveges v. Pennsylvania.*[9]

In a separate section, Fisher takes issue with the preliminary and intermediary values of the pivotal factors. He objects to the temporary assumption in my study that ". . . as the votes of the justices are equal, so the weights of all factors are equal. . . ."[10] on the ground that the first part of the statement does not imply anything about the second part of the statement. The only purpose of this statement was to draw a simple analogy, and the equal votes of the justices was the most convenient example.

What really arouses Fisher to the point of indignation is the formula I used for computing the intermediate values. Of course, it is quite possible that a better formula could have been used. But the alternatives that Fisher suggests are completely meaningless. As for the first, to take the preliminary values, all of which—except one—range from 0.56 to 1.14, to multiply them by 23.99π, to add 482, and to subtract the sum of the other preliminary values, would indeed yield positive numbers; but it would put all intermediate values (except one) and all final values (except one) within the approximate numerical range of 500 to 550. For the purposes of the study, this differentiation would have been useless and hardly more meaningful than using equal weights for all factors. Fisher's second alternative, namely, to subtract the sum of the other preliminary values from the preliminary value of the factor in question, and then to add the smallest constant that would keep all values non-negative, would also be useless. For the unmodified sum of the preliminary values of the other factors in each case is so much larger than the preliminary value of the factor in question that, for practical purposes, the distinctive numerical characteristic of the preliminary value of the factor in question would be lost.

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[8] See *Revised Rules of the Supreme Court of the United States,* Rule 19. See also *Brown v. Allen,* 344 U. S. 443, 491–492 (1953).

[9] See the quoted part of the opinion of this case in Kort, *op. cit.,* pp. 2–3.

[10] *Ibid.,* p. 6.

The way in which I arrived at the formula I actually used for computing the intermediate values is not nearly so obscure as Fisher suggests, and was explained in my article. I am not sure what he means by saying, "If the data used in such a procedure [the computation of the intermediate values] included the cases in the 'test group' then that group in reality formed part of the 'source'."[11] If he is implying that I used data from the test group cases to compute the numerical values of the pivotal factors, he could assure himself from my description of my method and from computations based on the list of factors identified in each case, which he—unlike the other readers of the REVIEW—had available, that the numerical values of the pivotal factors really were obtained only from the source group cases.

Finally, in this connection, it should be noted that whether non-negative values should be the result or the assumption of a method depends on which method is used. The fact that the presence or absence of negative weights serves as a check on the assumptions in the method of "discriminant analysis," which I did not use and which—as will be pointed out—I could not have used, does not mean that it can perform the same function in my method. The appearance of negative factors in my analysis would not have been a test of the Court's consistency, though it would have shown that the method was not properly designed to cope with the problem. This is exactly the point that was taken into consideration in developing the formula for the intermediate values.

In concluding his criticisms of the particular steps I used in computing the weights of the factors, Fisher deals with two empirical matters. The first one points to a serious difficulty in predicting the Court's decisions from the records of the inferior courts and from the appellate briefs. For example, in the recent case *Moore v. Michigan*,[12] no assurance could have been obtained from the lower court records and from the appellate briefs that the Supreme Court would interpret the facts to the effect that the petitioner did not waive explicitly his "right to counsel." Whether the decision would be pro or con depended on the presence or absence of this factor. Certainly, after the decision of the case this doubt was resolved, and it was clearly established that the decision was in accordance with the pattern described in my study. However, from the lower court records and from the appellate briefs alone the outcome could not have been predicted with certainty. For this reason, among others, the predictive capacities of my analysis were stated in careful terms in my article.

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[11] Above, p. 334, note 22.

[12] 355 U. S. 155 (1957).

It is regrettable that Fisher deals with this important point by (1) misinterpreting the opinion of Justice Black in *Canizio v. New York*, (2) misrepresenting the implications of my analysis for the case, and (3) drawing conflicting inferences from the case without properly reconciling them.

(1) As Fisher states it: "The Supreme Court . . . through Mr. Justice Black, held that the fact that the counsel could have withdrawn the plea of guilty, under New York law, meant that Canizio had had, in effect, benefit of counsel throughout." This statement is incorrect. Justice Black said: "We think the record shows that petitioner actually had the benefit of counsel. When that counsel *took over* petitioner's defense he could have raised the question of a defect in the earlier part of the proceedings,"[13] *i.e.*, he could have withdrawn the plea of guilty. Justice Black did not infer that Canizio had in effect the benefit of counsel "throughout," but—on the contrary—he stated that "we shall assume that petitioner was without counsel when arraigned and when he pleaded guilty. . . ."[14] (2) Earlier in the opinion Justice Black said: ". . . according to the affidavit [of the district attorney] petitioner was represented by counsel from June 17th to June 19th, 1931. Petitioner filed *no denial* to this affidavit."[15] Since the petitioner was sentenced on June 19th, and since "long hearings" on the day of sentencing were held, the undisputed facts show that the petitioner was represented by counsel at every phase in the proceedings except arraignment and the plea of guilty. These are the facts that were accepted by the Supreme Court, and these are the facts that could have been obtained in this case before the decision of the Supreme Court, since they were alleged in the affidavit of the district attorney and *not* denied by the petitioner. Consequently, in this case there really is no discrepancy between the facts as obtained from the lower court records and the appellate briefs and the opinion of the Supreme Court. It is pointless, therefore, to say—as Fisher does—that "prediction of the result of this case, on the basis of Kort's article, would have been difficult indeed, since one would first have had to predict this interpretation of facts." Fisher's next sentence is equally irrelevant: "In point of fact, if one treats the *Canizio* case as one in which the defendant had no assistance of counsel at any time before sentencing, Kort's methods misclassify it as a pro." On the basis of the undisputed facts, there is no reason why the case should be treated in such fashion. As far as the factors that refer to the absence of counsel are concerned, only absence of counsel at the time of arraignment, which includes the plea of guilty as a later phase of the arraignment, should be identified. This identification actually was made in my study. Of course, factors other than those referring to the absence of counsel also were included. (3) Fisher uses the *Canizio* case to demonstrate the difficulty of anticipating the interpretation of facts by the Court though it actually does not offer this difficulty. In the same paragraph, however, he asserts, that a "more worthwhile endeavor would be to take as factors the facts as given in the lower court opinion, since the Supreme Court claims not to decide questions of fact, save where the opinion of the

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[13] 327 U. S. 82, at 86. Emphasis supplied.

[14] *Ibid.*, at 85.

[15] *Ibid.*, p. 84. Emphasis supplied.

lower court is clearly erroneous." In making this statement, he seems to disregard what he said only a few lines earlier, namely, that identifying the facts as seen by the Supreme Court might not be possible from the lower court opinion. He does not reconcile these conflicting observations.

The second empirical matter with which Fisher deals in this connection is the "backwards" test. This seems more serious. In principle, it is true that approximately the same weighting scheme should be obtained if the test group cases are used as the source group and the results are applied to the original source group, which then becomes the test group. Fisher shows that no significant correlation exists between my weighting scheme and the one obtained from the "backwards" test. This may mean, of course, that my method is invalid. However, another possibility is that the particular sample is not reliable, and that no inference regarding the validity of the method can be drawn. Since both the source group and the test group include relatively few cases (although all those that were available at the time when the study was prepared), perhaps neither is a reliable sample for computing the weights. That the second half of the cases is not so is evident from the absurd results regarding the gravity of the crimes: in the backwards test, "crime subject to five or ten years imprisonment" has a higher numerical value than "crime subject to capital punishment." Intuition is enough to mark this as unrealistic. Although no assurance can be given, the first half of the cases is at least not obviously unreliable for computing the weights, in view of the facts that absurd results did not occur. Moreover, a highly significant recent study has shown, among other important insights into Supreme Court behavior, that the first half of the cases demonstrates a higher degree of consistency in the attitudes of individual justices than the second half.[16] Finally, the fact that the later cases are an unreliable source group does not necessarily make them an unreliable test group. For the defects they show in the computation of preliminary, intermediate and final values do not necessarily affect their use for adding up, in each case, weights obtained from another source.

III

The foregoing remarks should not be interpreted to mean that the method I used is the best method, the only possible method for solving the problem, or—as pointed out earlier—a perfectly predicting method. No such claim is made at this time—and what is more important—no such claim was made in the presentation of the study. Measured by the standards of mathematical analysis performed in many areas of the social sciences—not to speak of the physical sciences—the method I used is undoubtedly crude. The practical question about more refined methods is whether or not they could have been applied to a relatively small sample of fourteen cases in each group. "Discriminant analysis"—the method which Fisher suggests—could not have been used in any meaningful way to derive twenty-six weights from fourteen cases. Fisher himself admits that.[17] Of course, the argument could be made that, if fourteen cases did not permit a fully adequate method, no analysis should have been performed on such a relatively small sample. My counter-argument would be that, if a quantitative analysis—even with shortcomings—can reveal a pattern of consistency which cannot be detected by conventional qualitative evaluation, it has made at least a small contribution to understanding human behavior in a specified area. In that connection, I would have to question two statements made by Fisher: (1) "The test of a theory is indeed its ability to predict, but to say that a theory has thus been tested, we must not have only prediction, we must also have a genuine, sufficiently inclusive theory." (2) "Discriminant analysis is a potentially useful tool for analyzing the behavior of the Court in complicated situations. It is not of much use as a perfect predictor in those same situations, however; it only does efficiently what common sense can do as well and no other method can do better." (1) Fisher confuses here the concept of an "empirical law" ("low-order explanation") with the concept of a "scientific theory" ("high-order explanation"), a distinction which has primary importance in the philosophy of science.[18] For example, the phenomena of free-falling bodies, of the inclined plane, and of the pendulum originally were identified with three separate empirical laws. Later, these three were seen to be special cases of one set of general laws, *i.e.*, the laws of mechanics, and a scientific theory replaced the empirical laws. In Bergmann's words, "one might say that empirical laws integrate and predict individual facts while theories, in the broader sense of the term, integrate and predict empirical laws." Now, my findings on Supreme Court action—at best— represent such an empirical law. A scientific theory to embrace them in a high-order explanation is yet to be found, and not in Fisher. (2) The important point here is his claim that no method can achieve more than common sense. Applied to my study, this statement would mean that the pattern of consistency in the Court's decisions could have been detected by common sense just as well. Is it not rather strange, then, that legal experts, to whom Fisher would have to attribute common sense, have not been able to detect a pattern of consistency in this area of judicial behavior?

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[16] See Emory T. Trosper, Jr., "A Scalogram Analysis of the Right to Counsel Decisions of the Supreme Court, 1940–1957," to be published in *Quantitative Analysis of Judicial Behavior*, edited by Glendon A. Schubert, Jr. (Michigan State University, 1958). Refer to Tables I, II, IV and V in relation to the discussion of the coefficient of reproducibility.

Finally, a comment about Fisher's statement that my method is not "generalizeable," *i.e.*, it could not be used in other areas of judicial action. My study referred to this possibility in cautious terms: ". . . it also is *tempting to suppose* that the method used in this study may be extended to other areas of judicial review." If similar pivotal factors can be identified in cases involving procedural civil rights other than the "right to counsel," at least an attempt can be made to use the same method. Whether or not it would yield meaningful results is an entirely different question. No claim for such an attempt was made in my study, but one has since been successfully brought off in an analysis of "search and seizure" cases.[19] More generally, if the data permit the use of more refined methods, certainly they should be employed.[20] In any case, no method can predict Supreme Court decisions perfectly. One reason is indicated by Fisher in his concluding comments, namely, that new factors for which no weight has been obtained from previous cases may appear. However, this is not one of the most important reasons. For, since judicial procedure in criminal cases is standardized to a considerable extent, a large sample of cases, which eventually could be obtained, would provide a basis for computing virtually all important factors that are likely to occur. A more important reason, among others, would be the possible adoption of the "incorporation" theory by the Supreme Court, according to which cases that call for a decision against the petitioner on the basis of the "fair trial" rule would be decided in his favor.[21] Should that change take place, mathematical analysis no longer would be needed in this area, because the "incorporation" theory would impose on state criminal proceedings the requirements that apply to federal proceedings, and these are clearly understood. It can be seen, therefore, that the greatest need for mathematical analysis exists not in the "settled" areas of law, but in those areas where the law is "unsettled," such as the domain of the "fair trial" rule.

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[17] Above, p. 337, note 28.

[18] See Gustav Bergmann, "An Empiricist's System of the Sciences," *The Scientific Monthly*, Vol. 49 (1944), p. 144. The example that follows is taken from this source. See also his "Outline of an Empiricist Philosophy of Physics," *American Journal of Physics*, Vol. 11 (1943), reprinted in Feigl and Brodeck, ed., *Readings in the Philosophy of Science* (New York, Appleton-Century-Crofts, Inc., 1953), pp. 262–287. I am indebted to Edward H. Madden, Department of Philosophy, University of Connecticut, for these references and for comments on them.

[19] By Glendon Schubert, *op. cit.*, above, note 16.

[20] A system of simultaneous equations (*not* "discriminant analysis") is being currently applied by Eliot S. Wolk and myself to all (at present, thirty) "right to counsel" cases, not for the purpose of prediction, but for the purpose of determining whether or not this method could be used for a comprehensive analysis of all Supreme Court cases involving the "fair trial" rule. Mr. and Mrs. Jeremy Stone of Washington, D. C. also are in the process of approaching the problem of the "right to counsel" cases in terms of simultaneous equations. Moreover, under the direction of Professor Glendon A. Schubert at Michigan State University, five papers involving mathematical analysis of Supreme Court decisions have been prepared: James E. Wresinski, "Voting Behavior in Non-Unanimous Decisions of the Warren Court, 1953–1957"; William A. Burgett, "Discretionary Review and Summary Decisions of the Warren Court, 1953–1957"; Peter H. Sonnenfeld, "Participation of Amici Curiae by Filing Briefs and Presenting Oral Argument in Decisions of the Supreme Court, 1949–1957"; Emory T. Trosper, Jr., "A Scalogram Analysis of the Right to Counsel Decisions of the Supreme Court, 1940–1957"; James Peter Meloney, "An Exploration of the Application of the Theory of Games to the Supreme Court Decision-Making Process." In this connection, Trosper's paper should be noted in particular. Mr. Reed C. Lawlor of Los Angeles has suggested Boolean algebra as a possible approach to the problem.

[21] See Kort, *op. cit.*, p. 2.

THE PARADOX OF VOTING AND CONGRESSIONAL RULES FOR VOTING ON AMENDMENTS

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Writers on parliamentary law frequently begin their essays by citing with approval Hatsell's famous observation that ". . . it is more material that there should be a rule to go by than what that rule is. . . ."[1] So generally is this notion accepted that it probably ought to be regarded as a fundamental premise of parliamentary law. Indeed the whole structure of this branch of law rests on the assumption that form is more important than content. Its literature consists almost entirely of the compilation of precedents, and, furthermore, parliamentarians have seldom been concerned to justify the decisions they compile. This indifference to rationalization clearly follows from Hatsell's premise: if one believes that form alone is important, one appropriately concentrates on the form of rules, largely ignoring questions of whether or not their substance is efficient, or fair, or reasonable.

In some respects the emphasis on form has had beneficial effects; *e.g.*, it has encouraged precision of statement in an area where precise rules are especially necessary for quick decision by presiding officers. But in other respects the emphasis has been unfortunate. Thus, it has inhibited criticism of content, thereby obscuring the possibility that the rules may lead to unsatisfactory results. Indeed, despite Hatsell's premise, there may be circumstances in which one can justifiably say: "Better no rules at all than rules that have this particular effect." It is the purpose of this essay to describe in detail one such set of circumstances in the United States Congress and thus to suggest to parliamentarians that criticism is as important as the collection of precedents. More immediately, the purpose is to suggest a desirable revision of the rules of both houses of Congress in respect to the order of voting on amendments.

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[1] John Hatsell, *Precedents of Proceedings in the House of Commons* (2 vols, London, 1781; I have been able to examine only the four volume edition published by Luke Hansard in London in 1818 and therefore I cite it), Vol. 2, pp. 207–08. This aphorism has had a long, semi-independent existence. Jefferson quoted it in the second paragraph of his *Manual of Parliamentary Procedure* (written between 1797 and 1801 and reprinted biennially in *The Rules of the House of Representatives*) and recently Eric Taylor quoted it in the beginning of the second chapter of his excellent essay, *The House of Commons at Work* (Harmondsworth, Middlesex, 1951). It might well be pointed out that Hatsell's comment occurs in connection with his discussion of methods of voting, which methods are the subject of the present essay as well. Hatsell further said (II, 208); "If the maxim, '*Stare super vias antiquas*' has ever felt any weight, it is in those matters, where it is not so material, that the rule should be established on the foundation of sound reason and argument, as it is that order, decency, and regularity, should be preserved in a large, a numerous, and consequently sometimes tumultuous assembly." If voting, certainly the central activity in a legislature, need not be established on the "foundation of sound reason and argument," then there is apparently no need whatever for "sound reason" in parliamentary law.

I

A significant circumstance in which one might say "Better no rules at all than these" arises when the rules of a legislature lead to irrational behavior. Although it might seem that a group of presumably rational men following long prescribed rules of behavior could not possibly act irrationally, it is nevertheless true that, under its present rules of procedure, Congress may act irrationally and in fact probably does so occasionally. This essay is intended to explain just how this can occur. As a preliminary, it is necessary to define precisely what is here meant by rational and irrational behavior.

While the notion of rationality has been variously defined, one minimum element which most definitions include (at least implicitly) is the ability to order preferences transitively. Transitivity, which is a generalization of the notion of syllogistic inference, is formally defined thus: Given three elements, a, b, c, and a relation, R, between pairs of them, R is transitive when the following inference is true: if aRb and bRc, then aRc. When such an inference is not true, R is said to be intransitive. An example of a transitive relation is the mathematical notion of equality. One validly writes: if $a=b$ and $b=c$, then $a=c$. On the other hand, the relation of fatherhood is intransitive. One cannot validly write: if a is the father of b and b is the father of c, then a is the father of c. Assuming that the relation of preference is defined as transitive, then it is intuitively justifiable to insist that rational behavior includes at least the ability to order preferences transitively. Thus, a citizen who approaches the voting booth certain that he prefers the Democratic candidate to the Socialist and the Socialist to the Republican, is regarded as rational if he actually votes for the Democrat. If, with the same ordering of preferences, he votes for the Republican, he is regarded as irrational.

Several scholars have lately doubted that rational behavior should be defined in terms of the transitivity of preferences. They have adduced impressive experimental evidence to indicate that in certain kinds of events men who in vulgar usage would be described as rational do not in fact order preferences transitively.[2] But these experiments are hardly sufficient to justify abandoning

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[2] Ward Edwards, "Probability Preferences in Gambling," *American Journal of Psychology*, Vol. 66 (1953), pp. 349–64, reports an experiment in which subjects were asked to choose between bets of differing probabilities. The coefficient of consistence, which is

$$1-\frac{\text{number of inconsistent triads found}}{\text{number of inconsistent triads possible}}$$

was in the beginning of the experiment .76 and .73 but became in the end of the experiment .84 and .82 for different kinds of bets respectively. The improvement can, presumably, be attributed to an attempt by the subjects to rationalize their orderings of preference. The remaining inconsistence (*i.e.*, intransitivity) derived, so Edwards suggested, from the fact that the subjects chose bets by different standards. On the one hand, they tried to maximize their winnings (*i.e.*, to choose the bet with the highest expected value). On the other hand, they clearly displayed a preference for bets with a 4/8 probability as against bets with a 6/8 probability, regardless of the expected value of the paired bets. When these two standards of choice came into conflict, the subjects tended to be inconsistent. Kenneth the traditional definition of rationality. They do, of course, demonstrate that the area of irrational behavior is somewhat larger than might at first be supposed. And they are extraordinarily valuable in that they have permitted an explanation of why irrational behavior happens to occur as frequently and insensibly as it does. But a proof that people are often confused should not lead us to abandon the standard of what constitutes confusion.

A more incisive attack on the use of transitivity of preference as a standard of rationality is Kenneth May's argument that the definition of preference does not imply transitivity. His argument is applicable, however, only to those events in which the chooser is successively confronted with only two choices in overlapping but non-identical sets.[3] In those more frequent events where the

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O. May, "Intransitivity, Utility, and the Aggregation of Preference Patterns," *Econometrica*, Vol. 22 (1953), pp. 1–13, reports an experiment with similar results. He offered subjects choices which they might order by three different standards and found a somewhat greater degree of inconsistency than Edwards. Examining this result with a mathematical analysis, May proved that, if there are three or more things to be chosen and three or more criteria by which they may be chosen, then it is possible for one chooser to order his preferences intransitively unless one criterion dominates all others. From his analysis, one infers that the primary intransitivity is among the criteria of choice rather than among the ordering of things to be chosen. If the criteria for determining preference can be arranged in a transitive order of dominance, then, apart from human error, preference is transitive. But if the criteria cannot be so arranged, then the preferences of an otherwise unerring chooser may be ordered intransitively. Thus, May has discovered an analogue to the paradox of voting, an analogue which, however, is in a single person rather than a group. To distinguish the two paradoxes, the analogue will here be called a paradox of preference. It may be described thus: Let the criteria, $\alpha, \beta, \cdots, \nu$, by which a chooser orders his choices be themselves ordered by a relation of dominance, D, such that if aPb with respect to α and if bPa with respect to β and if in fact aPb, then $\alpha D \beta$. So defined, D is a transitive relation, which, however, may calculate to an intransitivity if $\nu \geqq 3$ in just the same way that the paradox of voting may appear in a group. Unlike the paradox of voting, which, as this essay suggests, can be broken only by the crudest practical measures, the paradox of preference exists inside one person and so is wholly under his control: once brought to his attention, he can break it by an analysis of his own emotions, if he chooses to do so. Hence, although the paradox of preference might appear to demonstrate the ineradicable irrationality of human behavior, an irrationality so pervasive that it calls the whole notion of rationality into question, still the fact that this irrationality may be eradicated when raised to the conscious level encourages us to conclude that we may continue to use the transitivity of preference as a standard of rational behavior. (Further discussion of these and other experiments along with an elaborate bibliography may be found in Ward Edwards, "Theory of Decision Making," *Psychological Bulletin*, Vol. 51 (1954), pp. 380–417. See also Andreas G. Papandreou, "An Experimental Test of an Axiom in the Theory of Choice," *Econometrica*, Vol. 21 (1953), p. 477 (abstract).

[3] Kenneth O. May, "Intransitivity, Utility, and the Aggregation of Preference Patterns," *Econometrica*, Vol. 22 (1953), pp. 1–13. May argues that preference, P, ought to be regarded as the probability, p, that one of a pair of alternatives, a and b, will be chosen over the other in a particular set of circumstances, E. Thus, he defines preference:

(1) $aPb \equiv p(a | a, b; E)$.

He then points out that, on the basis of this definition, it is false to write:

(2) for any E, if aPb and if bPc, then aPc.

Statement (2) can be translated into:

chooser is simultaneously confronted with more than two choices, the notion of preference does imply transitivity. The latter, rather than the former, is the kind of event customarily met with in economic and political choices and we are in most instances justified, therefore, in continuing to regard consistency of choice as a standard of rational behavior.

If we do so regard it and if we assume that most members of Congress are sufficiently sophisticated and thoughtful to be able to arrange their preferences transitively, it might seem to follow that any decision taken by this group would also be rational. Such, however, is not the case. Whenever the so-called paradox of voting occurs, the sum of the preferences of members is intransitive, even though each member's preferences are themselves transitively ordered. For an example of the simplest possible instance of the paradox, assume a three-member legislature with three motions simultaneously before it. Designating the members by "A," "B," and "C," the motions by "m_1," "m_2," and "m_3," and the relation of preference by P, assume that the members' preferences are ordered thus:

A: m_1Pm_2, m_2Pm_3, and hence, by the transitivity of P, m_1Pm_3.
B: m_2Pm_3, m_3Pm_1, and hence, m_2Pm_1.
C: m_3Pm_1, m_1Pm_2, and hence, m_3Pm_2.

A majority of this legislature (A and C) prefers m_1 to m_2 and another majority (A and C) prefers m_2 to m_3. If the sum of the preferences in this model were transitive, it should be validly inferred that a majority prefers m_1 to m_3. In fact, however, only A (a minority) prefers m_1 to m_3 and a majority (B and C) prefers m_3 to m_1. Hence the social, as distinct from the individual, ordering of preferences is intransitive.

The paradox of voting has recently been subjected to considerable scholarly scrutiny, especially in the work of Kenneth Arrow, *Social Choice and Individual Value*.[4] In this notable volume, Arrow demonstrated by mathematical methods that, if there are three or more choices and three or more choosers, then the

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(3) for any E, if $p(a|a, b) > p(b|a, b)$ and if $p(b|b, c) > p(c|b, c)$, then $p(a|a, b) > p(c|b, c)$.

and statement (3) may easily be false because $p(a|a, b)$ and $p(c|b, c)$ are calculated with respect to the non-identical sets, $\{a, b\}$ and $\{b, c\}$. But preference may be, and in most circumstances of real life undoubtedly is regarded as a choice of one element of several. So regarded preference is defined, not as in statement (1), but thus:

(4) $aPb \equiv p(a|a, b, \cdots, n; E)$.

Using statement (4) instead of (1), statement (2) is translated into:

(5) for any E, if $p(a|a, b, \cdots, n) > p(b|a, b, \cdots, n)$ and if $p(b|a, b, \cdots, n) > p(c|a, b, \cdots, n)$, then $p(a|a, b, \cdots, n) > p(c|a, b, \cdots, n)$.

And statement (5) is valid by the rule of syllogistic inference. Hence, if the set of possible choices is identical for all the choices in the chain, then P is a transitive relation. May's argument is valid, therefore, only in the case of a series of binary choices and, as has often been observed, truly "either-or" situations seldom arise in real life.

[4] (New York, Wiley, for the Cowles Commission, 1951.) See also Kenneth O. May, "A Set of Independent Necessary and Sufficient Conditions for Simple Majority Decision," *Econometrica*, Vol. 20 (1952), pp. 680–84.

possibility is ineradicable that the paradox may occur.[5] Inasmuch as legislative rules all over the world permit at least three choices to face legislators simultaneously, the possibility of the occurrence of the paradox exists in every legislature.

The mere development of an instance of the paradox in an actual legislature is not, however, by itself a cause for concern. An intransitivity in the social ordering of preferences is not in itself irrational behavior. Rather, behavior becomes irrational only when one of the choices in an intransitively ordered set is enacted into law. Fortunately, it is often possible to discover the existence of an intransitivity and, under the rules of some legislatures, to prevent action when the intransitivity exists. Duncan Black has shown that one of the characteristics of an intransitive ordering of the preferences of a legislature is the fact that no one of the intransitively ordered motions can defeat each of the alternatives to it.[6] In the example of a three member legislature just given:

m_1 defeats m_2, but loses to m_3
m_2 defeats m_3, but loses to m_1
m_3 defeats m_1, but loses to m_2.

If each of these motions is pitted against each of the others, each motion will lose once. If the rules of this model legislature require for the passage of a motion that it defeat each alternative to it, then no action can be taken. Hence the paradox results in a stalemate, in which, with no decision whatsoever, it is impossible to decide irrationally.

The rules of many legislatures require that, when there are three simultaneous motions, each one be pitted against each of the others in a vote. But, so far as I know, no set of rules in actual use requires such round robin voting when there are more than three simultaneous motions. (When there are three motions, the round robin necessitates only three votes; but when there are four motions it necessitates six; when there are five motions it necessitates ten; and, in general, if n is the number of motions, and if r is the number of votes in a round robin, $r=n(n-1)/2$.[7] Hence the sheer difficulty of repeated voting prevents the full exposure of an existing paradox. But by a remarkable extension of his observation, Black also proved that the existence of a paradox is always revealed if there are as many votes taken as there are motions to be voted upon.[8] In effect, he showed that, if an intransitivity exists and if the legislature votes as many times as there are simultaneous motions, then no motion is able to pass. Hence a stalemate results in which irrational behavior cannot occur simply because action is not completed.

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[5] See also David G. McGarvey, "A Theorem on the Construction of Voting Paradoxes," *Econometrica*, Vol. 21 (1953), pp. 608–10.

[6] Duncan Black, "On the Rationale of Group Decision Making," *Journal of Political Economy*, Vol. 56 (1948), pp. 23–34. See also two other important essays by Black on the subject of transitivity of preference: "The Decisions of a Committee Using a Special Majority," *Econometrica*, Vol. 16, (1948), pp. 262–70; and "The Theory of Elections in Single Member Districts," *The Canadian Journal of Economics and Political Science*, Vol. 15 (1948) pp. 158–75.

[7] If $m_1, m_2, \cdots, m_n$ motions are ordered in numerical sequence of the subscripts and if each m_i is paired with each m_j that appears after m_i in the sequence, then m_1 appears first in $n-1$ pairs, m_2 is first in $n-2$ pairs, $\cdots$, m_{n-1} is first in one pair. The sum, r, of the pairings is the sum of the terms of an arithmetic progression: $r=1+\cdots+(n-2)+(n-1)=\frac{1}{2}(n-1)(1+n-1)=n(n-1)/2$.

It is apparent from these researches that a large loophole exists for irrational behavior by legislatures. If, as Arrow showed, the possibility of the occurrence of the paradox is ineradicable when three or more choosers face three or more simultaneous choices, and if, as Black showed, the existence of the paradox cannot be revealed unless the legislature votes at least as many times as there are simultaneous motions, then a legislature may behave irrationally when its rules allow it (a) to consider three or more motions simultaneously and (b) to vote fewer times than there are motions. The rules of many natural legislatures provide just these conditions. But, for the sake of brevity, I shall limit the ensuing discussion to the possibilities in the rules of the United States Congress.[9]

II

In both houses of Congress, it is permissible to consider simultaneously as many as four amending motions to a bill or resolution. Hence, Congressmen may be faced with five choices at the same time, in which circumstance, the paradox of voting may, of course, arise. When the original matter and the amendments are simple motions (*e.g.*, a motion for adjournment, with perhaps two or more amendments offering alternative dates for re-assembly), the existence of an intransitivity is easily discovered. The body soon votes as many times as there are choices and, if an intransitivity exists, the final vote carries in the negative. Thus, there is no decision and no irrational decision. When, however, the original matter is an elaborate bill, it is quite possible that the existence of an intransitivity will not be discovered and that the House or Senate, unaware of the paradox, will irrationally adopt clauses that are supported only by a minority. This result is most likely to occur when Congress is amending details of a complex bill. It can be illustrated from the process of amendment in the Committee of the Whole in the House of Representatives. Classifying the situations according to the number of choices, the following events can occur:[10]

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[8] "On the Rationale of Group Decision Making," *passim*.

[9] A note of warning is appropriate here: The kind of irrationality discussed in this essay has nothing whatever to do with the behavior of individual persons. It is, of course, true that individual Congressmen may order their preferences intransitively. A multitude of studies in social psychology and political behavior have long since made us fully aware of the potentialities of unreason in every man. Despite the revelations from the time of Freud onward, we have nevertheless held onto our eighteenth century faith in our ability to create rational institutions. What the paradox of voting so devastatingly reveals, however, is that our institutions of vote counting may have implicit defects. Even if we charitably assume, as I do in this essay, that the preferences of individuals are transitively ordered, still the institutions of voting may bring about intransitive results. Since this is a study of just this aspect of institutions and not a study of persons, it is only concerned with how votes are counted. Specifically, it is not concerned with how people make up their minds. Whether they think carefully to a decision or simply vote on a nod from a leader or lobbyist, or on a trade for other votes on other matters, their internal thoughts are a matter of complete indifference in this analysis, for it is concerned with external behavior, not motives.

Case 1: If, after the reading of a paragraph or section, no amendments are offered, the Committee of the Whole passes on to the next paragraph or section without voting on the one just read. (In the Senate this procedure is so formalized that the only parts of bills considered on the floor at the time of a committee report are those parts to which amendments are offered). The assumption behind this procedure is, of course, that, if no amendments are offered, the paragraph is unopposed. While this assumption may not be invariably valid, still the omission of the vote is in effect a form of consent procedure and as such is fully justified as a means of saving time. Nevertheless, in legislatures far more pressed for time than the House of Representatives (*e.g.*, the House of Commons in Great Britain and the National Assembly in France) it is customary to vote on every paragraph of a bill, whether or not amendments are offered. This is doubtless a precaution against adopting words opposed by a taciturn majority. American procedure differs in that it forces all opposition to become vocal if it wishes to be effective.

Case 2: If, after the reading of a paragraph, only one amendment is offered to particular words, the Committee votes on the amendment; and, both when the amendment passes and when it fails, then passes immediately to the next business. If the amendment has the effect of negativing the motion, there are in effect only two choices. If there are only two choices, irrational decision is impossible, for two choices cannot be ordered intransitively.[11] If, however, the amendment does not negative the motion, there are in effect three choices, *i.e.*, for the unamended motion, for the amended motion, and against the motion whether amended or not. This latter case should be regarded as a case 3 event.

Case 3: If, however, more than one amendment is offered to the same words in a paragraph, the situation is altered drastically and the House runs the risk of adopting the preference of a minority. When the Committee has before it a paragraph, an amendment to the paragraph, and an amendment to the amendment, it votes first on the amendments. If the amendment to the paragraph (whether amended or not) passes, it takes the place of the original words without further vote, *i.e.*, the House does not vote on the paragraph as amended. Thus, while the Committee has three choices, it votes only twice, which is not sufficient to discover an existing intransitivity. The House does, however, decide, and if the House's uncanvassed preferences are actually intransitive it unconsciously but necessarily decides irrationally.

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[10] Although in this classification only events occurring in the Committee of the Whole are considered, an analogous classification can be constructed for events occurring when a bill on the House Calendar is read for amendments, or when the House considers Senate Amendnents to a House bill, or when the Senate considers a bill reported from committee, or when it considers House amendments to a Senate bill.

[11] Arrow, *op. cit.*, p. 10.

The House may be saved from this consequence only in one way: if, when the Committee reports to the House and the Speaker puts the question on the engrossment of amendments, a Member demands and secures a separate vote on a particular amendment adopted in Committee, there are then as many votes as there are choices. Thus the House may discover an intransitivity. But since the rejection of an adopted amendment simply results in the incorporation of the original words in the bill, and since the original words may also be favored only by a minority, the intransitivity is merely discovered, not resolved, and the House still behaves irrationally. Although the discovery of intransitive preferences depends in this case on a request for a separate vote at the time of engrossment, such requests are in fact rare. When they do occur, they are usually prompted by a desire for a roll-call vote (which is not permitted in the Committee of the Whole) rather than by a desire to reveal an intransitivity.

Case 4: If two or more amendments to the same words are offered and if none of them pass, the original words remain in the bill without a vote on their adoption. Thus the House may adopt a provision favored only by a minority without any opportunity to discover this fact. Theoretically, an amendment to a paragraph, even one of the amendments rejected in Committee, might be offered before the vote on engrossment. But in practice, this never occurs; and, if a special rule providing for the previous question to final passage governs the procedure on a bill, then it is not even possible to offer an amendment at the report stage.

The House, of course, votes several times on the whole bill (as distinct from particular sections), that is, on third reading and engrossment, on recommittal, on final passage, and on reconsideration. But if a putative intransitivity has arisen over a single paragraph, the majority opposing that paragraph may not wish to vote against the whole bill in order to win its point. The majority that has opposed, for example, one item in an appropriation bill containing hundreds of items may not wish to bring the whole government of the United States to a standstill simply to change the funds of one bureau. Hence, one cannot assume that votes on the whole bill discover or resolve an intransitivity arising around one paragraph of it.[12]

III

Irrational action of the sort described in Cases 3 and 4 is probably fairly frequent. Although it is difficult to estimate empirically the frequency with which this paradox of voting occurs in nature, one may estimate it theoretically as follows: If there are three choices and three choosers, intransitivities occur in two out of a possible twenty combinations of three orderings. In general, the frequency of intransitivities increases as the number of choices and choosers increases.[13] Since the House and Senate frequently consider three to five alternatives at once, it is not unreasonable to assume that intransitivities occur in actual practice more than ten percent of the time when two or more amendments are offered.

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[12] It may be argued that there is no irrational behavior if the bill as a whole is accepted in spite of an intransitivity over one clause. Such an argument, however, denies any significance to the whole process of reading for amendment.

A typical example of an event occurring in a Case 4 situation, an example chosen almost at random from the proceedings of the Committee of the Whole, illustrates just what risks the Congress runs:[14] In the consideration of the Agricultural Appropriation Act of 1953 the most significant and controversial subject was the amount of money for the Soil Conservation Service. The Committee on Appropriations had reported a bill providing $250,000,000 for the Service. Many Democrats supported this proposal (hereafter called the original amount), but some from wholly urban districts opposed it. These defectors were apparently sufficient in number to forestall a partisan majority for the original proposal. Almost all Republicans opposed this figure, although in varying degrees. Some wanted only a small cut; others a large one. Representative Javits of New York City, a Republican, offered the first amendment which, in the form it was ultimately voted upon, provided for the deletion of $250,000,000 and the insertion of $142,410,000. This was a serious amendment, intended to cut out entirely the activity of the Service in supplying fertilizer. Subsequently, Representative O'Toole of New York City, a Democrat, moved to amend the Javits amendment by deleting $142,410,000 and inserting $100,000,000, a provision on its face intended to destroy the Service; perhaps it was designed to establish a trading position for its backers. While O'Toole's amendment was frivolous in effect, it was seriously offered and the pique displayed in its offering symbolized the breakdown of the urban-rural coalition in the Democratic party. The stringent economy of the Javits amendment well expressed the Republican opposition (at that time) to a high budget; but of course it was unpalatable to Republicans from rural constituencies. Perhaps a few rural Republicans supported the original proposal; but most of them doubtless supported a substitute amendment offered by Representative Andersen of Minnesota, a Republican and the ranking minority member of the Subcommittee on Agriculture of the Committee on Appropriations. Mr. Andersen's amendment cut the amount from $250,000,000 to $200,000,000, thereby presumably satisfying the Republican desire for economy, but still providing substantial funds for the Service. As soon as the Andersen substitute was offered, Representative Whitten of Mississippi, a Democrat, offered an amendment to the substitute providing for $225,000,000 instead of $200,000,000. Since Mr. Whitten was chairman of the Subcommittee on Agriculture and as such was the author of the

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[13] Black, "On the Rationale of Group Decision Making," p. 33. I have computed, by a method to be reported elsewhere, the proportion of possible results of adding preferences which are transitive or partially transitive. When n = 3, 3/4 of the possible outcomes are transitive. When n = 5, only 5/16 of the possible outcomes of addition are such that one choice is preferred to all others.

[14] See *Congressional Record*, Vol. 98 (1952), pp. 4713–31.

$250,000,000 figure, and since he was the floor manager of the bill in the House, one can assume that his amendment was a compromise intended to rally some Democrats who opposed the original figure but who might support a token cut.

The Committee of the Whole thus had before it five proposals of varying amounts of money: (1) the original proposal for $250,000,000; (2) the Javits amendment for $142,410,000; (3) the O'Toole amendment to the Javits amendment for $100,000,000; (4) the Andersen substitute for $200,000,000; and (5) the Whitten amendment to the Andersen substitute, for $225,000,000. This is the maximum number of choices that by Rule XIX the House may have before it at one time.

In such circumstances, the House votes first on the amendment to the amendment, then on the amendment to the substitute, then on the substitute, and finally on the amendment; a total of four votes. The rationale of this order of voting is that, before voting on either the amendment or its substitute, the Committee should first perfect what is proposed to be struck out and then perfect what it is proposed to be struck out with. As far as it goes, this is eminently reasonable. However, the House does not go on to a final vote on the adoption of the proposal, even if all the amendments fail.

In this instance, the House voted first on the O'Toole amendment, which failed by a voice vote. The Whitten amendment, voted upon next, failed by a division of 74 to 139. Then the Andersen substitute, the crucial choice, failed by a teller vote of 126 to 131. Finally, the Javits amendment failed by a division of 35 to 220. Since roll calls are not taken in the Committee of the Whole, names and party affiliations on these votes are not available.

From the fact that all amendments failed one might infer that a majority favored the original proposal. Nevertheless, one awkward fact casts doubt on this inference: although the largest amount stayed in the bill, the third largest amount (Andersen) beat the second largest amount (Whitten). From this fact one may reasonably suspect an intransitivity here, for if the largest amount were really favored over all others, and the amount was the dominant criterion, then logically the second largest sum should have defeated the third largest.

When, as in this case, there are fewer votes than choices, it is impossible to decide whether or not the preferences of the House were transitively ordered. Nevertheless, by carefully reconstructing the situation on the basis of all information available, it is possible to postulate a set of orderings of preferences, and from them to discuss the probability that the House took irrational action. On the best informed guesses, it seems likely that the House did just that to the extent of at least $25,000,000 in this instance. I cannot demonstrate that an intransitivity occurred; but I do assert that from the circumstances a genuine case of the paradox of voting may well have happened.[15]

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[15] Possibly of course, the intransitivity, if it existed, was not a paradox of voting, but several paradoxes of preference. In the ensuing discussion of this section it will be assumed that the members themselves were rational and that this is an instance of the paradox of voting. At the end of section IV, the event will be briefly discussed with this assumption removed.

Let us number the choices in the order in which they were presented to the House: "1" for the original paragraph; "2" for the Javits amendment; "3" for the Andersen substitute; "4" for the Whitten amendment; and "5" for the O'Toole amendment. We will write "1P2" to signify that the original paragraph is preferred to the Javits amendment.

It is, I believe, fairly obvious that the members who preferred the O'Toole amendment ($100,000,000) above all others probably arranged their preferences inversely to size so that the smallest amount stood first and the largest last: O'Toole, Javits, Andersen, Whitten, original; or 5P2, 2P3, 3P4, 4P1. (Those who so ordered their preferences will be called "O'Toole supporters"; and similarly other groups will be designated by their first preference.) Since the Javits supporters favored a cut only slightly less drastic than the O'Toole supporters, the Javits group probably ordered their preferences thus: Javits, O'Toole, Andersen, Whitten, original; or 2P5, 5P3, 3P4, 4P1. Those who supported the Andersen substitute above all else certainly favored some cut, but were opposed to cuts so deep as the Javits or O'Toole proposals. It seems reasonable to assume that their preferences were arranged: Andersen, Whitten, original, Javits, O'Toole; or 3P4, 4P1, 1P2, 2P5. Although possibly for some of them the ordering may have run 3P4, 4P2, 2P1, 1P5, it is not necessary to choose between these two guesses for both orderings lead to the same result in the summation of preferences of the whole House.

The supporters of the original paragraph were probably divided into two groups. Most of them doubtless ordered their preferences from the largest to the smallest amount, *i.e.*, original, Whitten, Andersen, Javits, O'Toole; or 1P4, 4P3, 3P2, 2P5. But some of them followed a highly contrived strategy in voting and necessarily reordered their preferences accordingly. Assuming that the original paragraph could defeat the Andersen substitute but not the Whitten amendment, they voted first against the latter and then, safely, for the former. Hence they ordered their preferences thus: original, Andersen, Whitten, Javits, O'Toole; or 1P3, 3P4, 4P2, 2P5. (The former group will hereafter be called Original-Whitten supporters, and the latter Original-Andersen supporters.)

The Whitten supporters present a special problem. Since they favored only a token cut, clearly they least preferred the Javits and O'Toole alternatives. But one can only guess about whether they placed the Andersen or the original amount second. Presumably Whitten moved his amendment to attract Andersen supporters. Hence, if his maneuver succeeded, the Whitten supporters' preferences were ordered: Whitten, Andersen, original, Javits, O'Toole; or 4P3, 3P1, 1P2, 2P5. But if his maneuver failed, if it merely attracted some supporters of the original, then their preferences were: Whitten, original, Andersen, Javits, O'Toole; or 4P1, 1P3, 3P2, 2P5. There is good reason to believe that, in fact, all of Whitten's supporters were drawn, as he was himself, from the supporters of the original. On the crucial vote, although the Andersen substitute was formally pitted against the Javits amendment, the members clearly assumed that the substitute lay against the original. Since the Javits, O'Toole and Andersen supporters all preferred the substitute to the original, the 126 who voted for the substitute must include these. If this 126 also includes the Whitten supporters, then the supporters of the original are the only ones on the other side; and it must be concluded that the original paragraph had a clear majority over all other choices. Quite possibly such was the situation; yet this detailed investigation was undertaken simply because there was reason to suspect an irrationality. For the sake, therefore, of reconstructing a possible intransitive ordering of preferences, we shall assume that Whitten's maneuver failed, that he simply attracted support from the original paragraph, and that his supporters ordered their preferences thus: 4P1, 1P3, 3P2, 2P5.

Guesses about the number of members who held each set of preferences are much less defensible than guesses about the orderings themselves; but an estimate of numbers is essential for a reconstruction of the event and, with some trepidation, I offer the following: Although the number of members voting varied among the four votes, in the best attended and crucial vote 257 members participated. Assuming that all of these had one or another of the six orderings of preferences derived above, the number 257 will serve as the total. On the last vote 35 members voted for the Javits amendment as against the original paragraph. Only the Javits and O'Toole supporters can be assumed to have had this preference, so the maximum number of both together is 35. Since the O'Toole amendment was defeated in a voice vote, it is impossible to say with assurance how these 35 were divided. But assuming that the Javits amendment, which was a carefully planned attack on soil conservation, attracted more supporters than the O'Toole amendment, which was somewhat frivolous, I have arbitrarily divided these 35 into five O'Toole supporters and 30 Javits supporters. (Either figure could be varied from zero to 35 without affecting the outcome of the subsequent calculations.)

On the third vote, 126 members voted for the Andersen substitute. It has already been indicated that in this vote the Javits, O'Toole and Andersen supporters stood together against the supporters of the Whitten amendment and the original proposal. Subtracting 35 for the Javits and O'Toole groups from the 126 on the losing side, the Andersen supporters must number 91. From this same vote we know that the supporters of the Whitten amendment and the original proposal total 131. When the Whitten amendment was voted on just previously (as against the Andersen substitute), however, it had been defeated 74–139. Presumably all those who voted in the negative preferred Anderson's amount to Whitten's. But if the Andersen, Javits, and O'Toole supporters number at most 126, where did these additional 13 come from? Since the Whitten supporters are necessarily among the affirmative minority of 74, the only possible source of additional votes for the negative majority is the supporters of the original. Hence the Original-Andersen group must number at least 13 and possibly more.

The maximum number of supporters of the original and of the Whitten amendment is 131. Since the Original-Andersen supporters are 13 and, if we arbitrarily assume that the Whitten supporters total ten, then there must be something like 108 Original-Whitten supporters.

In summary, the reconstruction of the ordering of preferences is:

108 Original-Whitten supporters: 1P4, 4P3, 3P2, 2P5, from which it is inferred that 1P3, 1P2, 1P5, 4P2, 4P5, 3P5.

13 Original-Andersen supporters: 1P3, 3P4, 4P2, 2P5, and hence, 1P4, 1P2, 1P5, 3P2, 3P5, 4P5.

30 Javits supporters: 2P5, 5P3, 3P4, 4P1, and hence, 2P3, 2P4, 2P1, 5P4, 5P1, 3P1.

91 Andersen supporters: 3P4, 4P1, 1P2, 2P5, and hence 3P1, 3P2, 3P5, 4P3, 4P5, 1P5.

10 Whitten supporters: 4P1, 1P3, 3P2, 2P5, and hence 4P3, 4P2, 4P5, 1P2, 1P5, 3P5.

5 O'Toole supporters: 5P2, 2P3, 3P4, 4P1, and hence, 5P3, 5P4, 5P1, 2P4, 2P1, 3P1.

The result of adding these preferences (*i.e.*, of pitting each choice against each other one) can be set forth in matrix form:

	1 Original	2 Javits	3 Andersen	4 Whitten	5 O'Toole
1. Original	—	+187	+5	−15	+187
2. Javits	−187	—	−187	−187	+247
3. Andersen	−5	+187	—	+21	+187
4. Whitten	+15	+187	−21	—	+187
5. O'Toole	−187	−247	−187	−187	—

FIG. 1. Matrix of Outcomes of Preference Additions. Read this matrix by rows, so that a positive number in a box indicates a victory for the choice in that row and a defeat for the choice in that column; conversely a negative number in a box is a defeat for the choice of that row and a victory for the choice of that column. Thus "+15" in the fourth row and first column means that the Whitten amendment defeats the original paragraph by 136−121=15.

Examination of this matrix quickly reveals an intransitive ordering, (*i.e.*, no one alternative can defeat each of the other four; or, stated another way, in no row are all the numbers positive). It is possible to order the sum of the preferences in several ways, but each of these involves an intransitivity, for example:

1P3, 3P4, 4P2, 2P5, from which one infers, *inter alia*, 1P4, although in fact 4P1 by a margin of 15. By the House rules, under which the votes are taken in the order 4, 5, 3, 2, this is the result that will occur from preferences arranged as in Figure 1.

4P1, 1P3, 3P2, 2P5, from which one infers 4P3, although in fact 3P4 by a margin of 21. This is the result that would occur if the motions were voted upon in the order 5, 3, 1, 4.

3P4, 4P1, 1P2, 2P5 from which one infers 3P1, although in fact 1P3 by a margin of 5. This is the result that would occur if the motions were voted upon in the order 5, 1, 4, 3.

This reconstruction clearly reveals the possibility that the action of the House may have been irrational. Certainly, if a situation substantially similar to that in Figure 1 actually existed, then the preferences of the whole House were necessarily intransitive.

In the argument so far several more or less arbitrary assumptions have been made. The reader may therefore doubt the likelihood of the occurrence of this particular intransitivity. Still, even with other guesses, undesirable results appear in most possible situations:

1. If the Whitten supporters number two or less, then the social ordering is transitive and the original paragraph wins. This is the only alternative assumption that guarantees a rational result.
2. If there are three or more Whitten supporters, and
   a. if they are drawn from supporters of the original paragraph and order their preferences 4P1, 1P3, 1P3, 2P5, and
      (1) if an Original-Andersen group exists, then the ordering of preferences in the whole House is intransitive (this is the situation here examined in detail); or
      (2) if an Original-Andersen group does not exist, then the ordering is transitive, but the Whitten amendment will win instead of the original paragraph which actually won; or
   b. if they are drawn from the Andersen supporters and order their preferences 4P3, 3P1, 1P2, 2P5, then, whether or not an Original-Andersen group exists, the ordering is transitive, but the Andersen substitute will win instead of the original paragraph.

Of these four situations, which are, I believe, the ones most likely to have existed, only one involves a transitive ordering in which the original paragraph wins. The others involve either an intransitivity or a clear majority for a motion that in fact lost. Inasmuch as there must be at least as many votes as there are motions in order to reveal an intransitivity, and inasmuch as in this event there were fewer votes than motions, we cannot possibly determine which one of these five situations existed. We are, however, well justified in suspecting that the actual behavior was irrational.

IV

This procedure, through which the House—and in a similar way, the Senate—risks irrational action, probably developed by an accident of history. The House of Commons, when considering a bill in Committee of the Whole, votes not only on amendments but on the paragraph (amended or unamended) as well. So far as I can discover, this has always been the English procedure. It was also the procedure in the United States in 1789; but sometime in the first half of the nineteenth century this detail was dropped without notice of the consequences of the omission. With the consequences exposed, it may be that Congress will wish to change its Rules in order to avoid the risk of behaving irrationally.

Of course, Congress may prefer its present procedure for, along with the risk, the present Rules allow a skilled minority to defeat an unsophisticated majority; or, to put it differently, a committee chairman to control House action. In the instance here discussed, Mr. Whitten, not certain of his majority, introduced an amendment which both brought about a possible intransitivity and ensured victory for the original paragraph which he was managing through the House. And perhaps the Congress wishes to give this kind of advantage to those skilled in parliamentary contrivance. If, however, the Congress as a whole is disturbed by the danger of passing motions favored only by a minority, some revision of the Rules is necessary. Hence, it seems appropriate to consider how to discover and eliminate intransitivities.

One superficially attractive revision of the Rules is a provision permitting consideration of only one amendment at a time. Since intransitivities cannot occur when there are only two alternatives (*i.e.*, an original paragraph and one amendment), this provision might be supposed to ensure that each successful motion had a clear majority over its alternative. Actually, however, it would ensure no such thing. If a subsequent amendment were offered to the same words, the legislature would then in effect be faced with three choices, entailing the danger of an intransitivity. With at most two votes on three choices, there would be no more opportunity than at present to discover it. This is substantially the procedure in the National Assembly in France, where the likelihood of intransitivities is about as great as in the Congress of the United States.

This latter difficulty might be formally surmounted by permitting no more than one amendment to any set of words. Such a limitation would prevent the possibility of intransitivities; but it might be undesirable for other reasons. It might tend to drive all the opponents of a paragraph together, and so work toward tightening party discipline. In a legislature with only two rigorously disciplined parties, one amendment might sufficiently express the range of opinion. In the English House of Commons, for example, it is quite rare for more than one amendment to be offered to the same words—and this fact explains why intransitivities rarely appear there, even though its procedure provides for discovering them. But in the United States Congress, with its many intra-party and inter-party factions, a limit to one amendment might unduly restrict the free play of opinion: if a race to preempt the right to offer that one amendment were precipitated, and the presiding officers continued the practice of recognizing the floor leaders ahead of the others seeking recognition, the opportunities to offer dissident amendments might be foreclosed. Hence while a limit of this sort would undoubtedly circumvent intransitivities, it might also eventually change the character of the Congress.

A more feasible revision of the rules is a requirement that the original paragraph, whether amended or not, be voted upon. This would guarantee that the Congress take as many votes as there are choices before it. But it would also often waste time—in modern legislatures a precious commodity. If no amendments or only one amendment is offered, no vote on the paragraph itself is needed. Hence the requirement of a vote on the original or amended paragraph might be limited to those occasions in which three or more choices exist. Even on very complex and controversial bills, this would probably mean at most three or four more votes, not an excessive amount of time to spend on discovering intransitivities.

Even if both houses were to provide this method of discovery, they would still need a procedure for resolving the intransitivities discovered. For example, in the event here described, if a vote on the original paragraph were to have carried in the negative, the Soil Conservation Service would have been completely eliminated, a contingency no one except the O'Toole supporters desired.

Students of proportional representation have tried (unsuccessfully) to resolve intransitivities by altering the method by which votes are counted. But, as Arrow has shown, an intransitivity, once in existence, cannot be eliminated simply by juggling the techniques of counting. It might be thought that intransitivities could be resolved by successively eliminating the least popular alternatives. But this too is an illusory solution. If the supporters of three choices are divided into equal factions, there can be no "least popular" choice to eliminate. Even if the factions are unequally divided, successive elimination can not guarantee a rational decision, for one minority faction may, by voting partially against its own preferences, bring about an irrational result favorable to the conspirators as the Figures 2, 3 and 4 show.[16] Hence, what Congress needs to resolve intransitivities is a method that involves at most only one more vote than there are choices and that guarantees that a paragraph favored only by a minority will not win. With proper diffidence, I suggest the following rule for the House and an analogous one for the Senate:

(1) *When a bill or resolution or conference report is read for amendment and when two or more amending motions are offered to the same words, the presiding officer shall put the question on such motions as are before the House in the following order: first, on the amendment to the amendment; second, on the amendment to*

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[16] The potentialities of deceit in the method of successive elimination can be visualized from the Soil Conservation incident. Defining the "least popular" choice as the one able to defeat the fewest of the others, we eliminate the O'Toole amendment. Dropping the fifth row and fifth column of Figure 1 results in Figure 2. Since no one motion in Figure 2 can beat all the rest, the Javits amendment next must be eliminated, whereupon the result is Figure 3. This is identical with Figure 2 except that the second row and second column are eliminated. Since no one motion in Figure 3 can defeat all the rest, it is again necessary to eliminate one. Assuming that the least popular choice in Figure 3 is the one with the smallest sum in its row, then the original paragraph must be eliminated. Then the Andersen amendment wins. But the Whitten supporters, foreseeing this result, can ensure victory for the original paragraph (their second preference) by voting against themselves at the stage represented by Figure 3. In effect they reorder their preferences thus: 1P4, 4P3, and hence, 1P3. This results in the matrix of preferences of Figure 4. Thus, by falsifying their preferences, they can profitably change the outcome—assuming, of course, that other factions do not also falsify their preferences.

Similar examples are discussed in Arrow, *op. cit.*, pp. 80–81. This is substantially the maneuver described in Tapas Majundar, "Choice and Revealed Preference," *Econometrica*, Vol. 24 (1956), pp. 71–3.

	1 Original	2 Javits	3 Andersen	4 Whitten
1. Original	—	+187	+5	−15
2. Javits	−187	—	−187	−187
3. Andersen	−5	+187	—	+21
4. Whitten	+15	+187	−21	—

FIG. 2. Matrix of Outcomes with O'Toole Amendment Eliminated.

	1 Original	3 Andersen	4 Whitten	Row Sum
1. Original	—	+5	−15	−10
3. Andersen	−5	—	+21	+16
4. Whitten	+15	−21	—	−6

FIG. 3. Matrix of Outcomes with O'Toole and Javits Amendments Eliminated.

	1 Original	3 Andersen	4 Whitten
1. Original	—	+5	+5
3. Andersen	−5	—	−21
4. Whitten	−5	−21	—

FIG. 4. Matrix of Outcomes when Whitten Supporters Falsify their Preferences.

the substitute; third on the substitute (amended or not, as the case may be); fourth, on the amendment (amended or not, substituted or not, as the case may be); fifth, on the original matter (amended or not, as the case may be). Whereupon:

(2) *If the last question of section (1) carries in the affirmative, no further amendments to the words just adopted shall be in order.*

(3) *If the last question of section (1) carries in the negative, the presiding officer may, if in his opinion one of the defeated motions could pass at this stage, recognize a Member who moved a defeated motion for the purpose of moving it again. No amendments to a motion so moved shall be in order. If the motion passes, it shall stand part of the text adopted and no further amendments to this portion of the text shall be in order. If it fails, it shall not be in order to move at this stage any further motions, to insert words in place of those deleted by the procedure of section (1) of this rule.*

(4) *If, at some later stage in the progress of the bill or resolution or conference report, it is in order to move to insert words in place of those deleted by the procedure of sections* (1) *and* (3) *of this rule, and if such motion is actually moved, no amendments to the motion shall be in order.*

This suggested rule is, I realize, a rather heavy-handed elimination of an intransitivity. Indeed, it would operate by allowing the presiding officer to control the range of choice, once an intransitivity has been discovered. Considering that the Speaker and the Chairman of the Committee of the Whole are responsible leaders of the majority party, this does not seem an unreasonable arrangement. Despite its limitations, the rule would accomplish our purpose: either it would allow the discovered paradox to continue to exist and thus prevent all action, or it would resolve the paradox, if the House wished it resolved, without unduly restricting the range of expressible opinion at the beginning of the amending process.

Theoretically the rule has this disadvantage: it might encourage minority factions to create intransitivities (by voting against their own preferences) so that, with the connivance of the presiding officer, they might obtain a final vote on a motion of their own choosing. In bodies as large as the houses of Congress, however, such a maneuver requires more detailed planning than is usually possible.

The suggested rule has one further advantage: it can resolve paradoxes of preference as well as paradoxes of voting. If one person faces only two choices, he cannot be said to choose irrationally even though he may use more than three criteria, no one of which dominates all the others. In the extreme case, if his criteria are ordered in exactly opposite ways with respect to the alternatives, he is, of course, immobilized by a tie, by an inability to choose. Since the result in this extreme case is indifference, not intransitivity, the suggested rule breaks all paradoxes, both paradoxes of preference and paradoxes of voting.

Inasmuch as the suggested rule has immediate advantages of preventing irrational behavior and inasmuch as its main disadvantage is a fairly remote contingency, Congress might well consider adopting it in order to avoid the risk of adopting motions favored only by a minority.

COMPONENTS OF ELECTORAL DECISION*

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What combination of forces elects a President? Each electoral decision releases a flood of interpretive comment about the conditions, circumstances, and causes which have influenced the result. A very great assortment of factors is examined and varying estimates are made of the responsibility of each for the outcome. Certainly, interpretations of the most recent presidential contest have shown the variety of ideas Americans bring to the analysis of their national elections. Mr. Eisenhower's victory has been attributed to the satisfactions engendered by national prosperity; to the anxieties raised by the threat of war; to the moods of racial, ethnic, or other groupings in the population; to the personal attractiveness of the winning candidate; to the conservative temper of the electorate; to the impact of various issues; to changing party loyalties; to the growth of suburbia; to the progress of an electoral cycle; to events and strategems of the nominating conventions and the campaign; to the influence of the press and of the other mass media. The list could be revised or lengthened in many ways.

Despite the variety of these alternative explanations, our understanding of the electoral decision is not as haphazard as it might appear. It is fair to say that in the work of many students of politics there has been a genuine accumulation of knowledge about the influences on our presidential elections. From their studies of voting statistics and opinion materials, sensitive observers have learned a great deal about the determinants of voting choice. But it is also fair to say that the premium on intuitive judgment is still high and that sharp disagreements arise which cannot be put to a critical test. We do not have as yet an explicit method of gauging the influences on the election result and of resolving a winning combination of forces into its component parts.

A first approach to a method of this sort is the subject of this report. As part of the studies of political behavior in progress at the Survey Research Center of the University of Michigan[1] an attempt has been made to find an explicit technique by which we could know in any presidential election the relative influence on the outcome of each of a set of factors affecting the result. Applied to the

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[1] The Survey Research Center has conducted studies of voting in the presidential elections of 1948, 1952, and 1956, as well as in the congressional elections of 1954. The sources of its data are samples of persons drawn by strict probability methods to represent the adult population of the United States living in private households. Statements of the sample design and sampling errors and copies of the questionnaires may be obtained from the Survey Research Center upon request.

presidential elections of 1952 and 1956, the technique has led to findings of considerable interest.

I

The factors for which the technique has been devised are the attitudes immediately supporting voting choice. From the start of this work we have assumed that the direction of a person's vote will depend in an immediate sense on his perceptions and evaluations of the things he sees in national politics: of the parties, the candidates, the issues of foreign and domestic policy, and the contending group forces. It is of course true that these attitudes are conditioned in turn by a number of factors which are antecedent in a causal sense. Some prior influences—for example, fixed party loyalties, primary group associations, perceived norms of ethnic and racial groups, or exposure to propaganda carried by the mass media—are relatively easy to identify. But we may suppose that in most cases a good many of a person's life experiences have some effect on the attitudes he has toward the things he sees across the political landscape. Out of a great range of factors, large and small, are formed the perceptions and evaluations which orient an individual's behavior in casting a vote.

In the history of voting research, attitudes of this sort have received less systematic attention than have certain types of prior factors. There has been a tendency to select a particular class of influences in the total system which underlies voting choice, to claim for these influences a causal primacy, and to disregard or discount the importance of other factors. In this manner, attitudes toward the candidates and issues have sometimes been treated simply as rationalizations of preferences fixed by long-term party allegiances or by social characteristics such as ethnic or religious memberships, socio-economic status, etc. Both a person's standing party loyalties and his place in the social structure *do* have profound consequences for his voting behavior. Indeed, a large part of our research effort has been devoted to tracing the effects of party identification and sociological memberships by showing their capacity to influence political attitudes. But it is quite clear that fixed party loyalties and sociological characteristics cannot account fully for the vote. In particular, neither of these factors, relatively inert through time, can account for the short-term fluctuations in the division of the vote which are of such great significance in a two-party system. Key and Munger have used voting statistics to show that social characteristics cannot explain many fluctuations of this sort.[2] The same point can be made by an example using survey data. As we would expect, the distribution of the population by sex, race, age, occupation, and other sociological characteristics changed very little between 1948 and 1952. Yet the Republican proportion of the two-party vote increased in nearly every social category between the two election years. Similarly, the self-classification of the population on a standard measure of party identification has changed very little in recent years. Yet the Republican proportion of the two-party vote increased between 1948 and 1952 among strong Republicans, weak Republicans, Independents, weak Democrats, and strong Democrats alike. Clearly neither social characteristics nor fixed party loyalties can account for the general movement toward the Republican standard between these two years. But the movement can be explained quite easily if we accord genuine motivational significance to attitudes toward the candidates and issues, and observe that the popular response to the Republican candidate and to the configuration of issues salient in the campaign was far more favorable to the Republicans in 1952 than in 1948. In both years, attitudes toward the candidates and the issues were deeply influenced by party loyalties and sociological memberships. But they reflected other influences as well. Indeed, it is the movements in these attitudes independent of party allegiances or of social characteristics which can best explain the general shift in voting preference between the two years.

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[2] V. O. Key, Jr., and Frank Munger, *Social Determinism and Electoral Decision: The Case of Indiana*. Unpublished manuscript, p. 21. If we assume that social characteristics are relatively constant through time yet vary across our several states, this point is implicit in the analysis of voting statistics by states in a number of other works. See, for example, E. E. Schattschneider, *Party Government* (New York, 1942), pp. 112–114; and Louis H. Bean, *How to Predict Elections* (New York, 1948), pp. 105–122.

The goal of our work is of course an account of the full system of influences leading to the voting act. In moving toward this goal we have felt that a good research strategy is first to perfect techniques for measuring political attitudes and their relation to voting behavior and then to introduce the antecedent factors of a larger causal scheme, including, among others, a person's long-term party preferences and his location in the social structure. We have not supposed that explanation in terms of attitudes would constitute a full theory of voting choice. But explanation at this level is an essential step to such a theory, since more remote factors seem in large measure to influence the voting act by influencing political attitudes. An extended report of the relation of partisan attitudes to factors which are prior in a causal sense is in preparation.

II

With an area of investigation defined, ways have had to be found to measure its principal variables. In the election campaigns of 1952 and 1956 the Survey Research Center has asked a variety of questions of those in its national cross-sectional samples to explore public feeling about the parties, candidates, and political issues. Some of these are highly structured questions which direct the attention of the person interviewed rather closely and require that his answer be chosen from a set of fixed alternatives. However, for the present analysis we have relied on a set of unstructured, open-ended questions. Two considerations have guided this decision. First of all, only by giving those interviewed a chance to talk freely about the objects of national politics could we discover either the diversity or the relative frequency of the ideas which constitute the public image of the parties and candidates. Secondly, this procedure was better suited for comparing the findings in several elections. The wording of appropriate open-ended questions could be identical in any number of election campaigns, whereas the wording of more particularized questions would have to be changed to accommodate the specific circumstances of the political moment. However artful the changes in wording, extraneous effects would be impossible to escape. For these reasons, eight open-ended questions were included in the pre-election interviews in the two years. For each party, one question invited favorable responses and one invited unfavorable responses. Similarly, for each candidate, one question asked for favorable comment and one for unfavorable comment.[3]

The result of this technique has been a harvest of tens of thousands of responses touching hundreds of political themes. On the basis of their content the responses have been classified into a large number of categories for subsequent analysis. In producing this material great care has been taken at every stage to use identical methods in the two years. The same questions were asked in 1952 and 1956; the questions had the same position in the course of the interview; the same instructions were given the interviewing staff; the interviews were taken during the same stage of the campaign; the same content categories were used; and the same directions guided those performing the content analysis. If there are differences in the response to the parties and candidates in the two years, we are reasonably sure they reflect differences in the ideas of those we talked to and are not the result of hidden changes in our application of survey techniques.

The responses to our questions could be used in two general ways in the further analysis. We might simply compare the numbers of responses in the several content categories in the two years. A comparison of this sort shows a good deal about the public image of the parties and candidates in the two Eisenhower-Stevenson elections. It also gives a sense of the qualitative meaning of statistical variables that have to be abstracted from these responses in the further analysis. For these good reasons, the following section will compare the frequencies in the whole population in the two years. The limitation of a comparison of this sort is of course that it tells us nothing about individual human beings. In important respects voting choice is individual choice, and an election majority, apart from the vagaries of our electoral system, is a sum of individual people. Therefore, to explore the motivation of voting choice and the forces acting on the national vote we should also use our responses to measure individual attitudes toward the parties and candidates.

A very simple procedure has been followed to develop from these responses measures of individual attitudes toward the objects of national politics. In scoring a person's attitude toward a given object we have merely subtracted the number of his pro-Republican or anti-Democratic references to the object from the number of his anti-Republican or pro-Democratic references. For example, in measuring an individual's attitude toward Eisenhower we have subtracted the number of his favorable references to Eisenhower from the number of his unfavorable references. In this manner we have measured individual partisan evaluations of each of the principal objects of national politics.

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[3] The form of the four party questions was: "I'd like to ask you what you think are the good and bad points about the two parties. Is there anything in particular that you (like, don't like) about the (Democratic, Republican) Party? What is that?" The form of the four candidate questions was: "Now I'd like to ask you about the good and bad points of the two candidates for President. Is there anything in particular about (Stevenson, Eisenhower) that might make you want to vote (for him, against him)? What is that?"

We have wanted these measures to show both the direction and intensity of partisan feeling. Evidence that they do is given by the joint distribution of each attitude with voting choice. Inspection of these distributions shows that those having a pro-Republican score on a given attitude scale tend to vote Republican; those having a pro-Democratic score tend to vote Democratic. In other words, the score of zero, indicating no partisan response or an equal response of each partisan sign, seems to have properties which warrant its being taken as a zero-point for the scale, a finding that will prove of great value in the discussion below.[4] The joint distributions also suggest that the scores show the intensity of partisan feeling: as one moves from the pro-Republican end to the pro-Democratic end of any of our attitude scales, the proportion of persons voting Democratic increases steadily.

Further evidence that we have located a meaningful zero-point and that each attitude variable measures the intensity of partisan feeling is given by information about the strength of individual involvement in the election's outcome. On each of our attitude scales, those having a zero score felt less strongly about the election's outcome than did those at any other point on the scale.[5] And in general, the further removed an individual's score from the zero-point, the greater the likelihood that he would be highly involved in the question of who would win.

A special problem of method arose in our efforts to relate political attitudes to voting choice. So long as we studied the relation of a single attitude to preference, it was sufficient to look at the division of the vote among those having different scores on the attitude variable in question. But when we came to study the simultaneous relation of several attitudes to preference, any attempt to look at the division of the vote among those who had each of the great number of possible combinations of scores on the attitude variables would immediately have exhausted the number of cases in our sample. To solve this problem and to obtain a metric for the comparisons which need to be made we have fallen back on the statistical methods of regression analysis. Although the statistical model we have constructed does not coincide in every respect with that of classical regression theory, it satisfies quite well the requirements which are essential for the use we have made of it. As a result of its use we have been able to estimate the relative influence of each partisan attitude both on individual voting choice and on the two-party division of the presidential vote. These estimates are the goal of this work; that we might get them, we have accepted the loss of intuitive understanding which may result from the use of a statistical language.

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[4] The idea of a zero-point separating positive from negative, favorable from unfavorable, pro from anti, etc. has arisen a number of times in research on attitudes. See, for example, L. L. Thurstone and E. J. Chave, *The Measurement of Attitude* (Chicago, 1929), pp. xi ff.; David Krech and Richard S. Crutchfield, *Theory and Problems of Social Psychology* (New York, 1948), pp. 227–232; and Bert F. Green, "Attitude Measurement," in Gardner Lindzey, ed., *Handbook of Social Psychology* (Cambridge, 1954), Vol. 1, pp. 357–358. For an application of Thurstone's ideas to the measurement of attitudes toward presidential candidates, see Herman C. Beyle, "A Scale for the Measurement of Attitude toward Candidates for Elective Office," this REVIEW, Vol. 26 (1932), pp. 527–544.

[5] The procedure used here to confirm the location of the zero-point follows in some respects that developed by Guttman and Suchman. See Edward A. Suchman, "The Intensity Component in Attitude and Opinion Research," in Samuel A. Stouffer *et al.*, *Measurement and Prediction*, Vol. 4 of Studies in Social Psychology in World War II (Princeton, 1950), pp. 213–276; and Louis Guttman and Edward A. Suchman, "Intensity and Zero Point for Attitude Analysis," *American Sociological Review*, Vol. 12 (1947), pp. 57–67.

III

References to the parties and candidates by our two groups of representative Americans provide an interesting record of stability and change through a four-year interval. In looking at the content of responses at the start of this period one can see clear imprints of the recent past. Despite the appearance of new personalities and the Korean War, the experience of the Great Depression and the New Deal left three apparent marks on the attitudes of those in our sample in 1952. First of all, there was a strong residue of good feeling toward the Democratic Party and hostility toward the Republican Party on the basis of the groups each was thought to favor. The Democratic Party was widely perceived as the friend of lower status groups in the population; the Republican Party in opposite terms.[6] The second imprint of the depression experience was the perception of the Democratic Party as the party of prosperity and the Republican Party as the party of depression. Great numbers of responses associated the Democrats with good times, the Republicans with economic distress. The third legacy of the immediate past was a wide measure of approval for the domestic policies of the New Deal and Fair Deal. Despite the trouble most people have in giving particular answers to open-ended questions, large numbers in our sample in 1952 cited specific domestic policies as reasons for approving the Democratic Party.

Of these three attitudes favoring the Democrats, only the first seemed to preserve its full vigor from 1952 to 1956. As indicated in Table I, a large number of responses in 1956 still approved of the Democratic Party and disapproved of the Republican Party on the basis of the groups each was felt to support. The groups which the Democrats were thought to help continued to be primarily those of lower status: the common people, working people, the laboring man, Negroes, farmers, and (in 1956 only) the small businessman. The Republicans, on the other hand, were thought to help those of higher status: big businessmen, the upper class, the well-to-do. The widespread popular image of the Republicans as the party of the great and the Democrats as the party of the small clearly survived the first Eisenhower administration. In both elections references to groups were given almost entirely in answer to questions about the parties rather than questions about the candidates, a fact which suggests the earlier origin of the attitudes they reflect. Whatever strength the Democrats gained from these feelings, it seems not to have been associated with the image of the Democratic candidate. We may imagine how different

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[6] The use of the term "group" here is intended to be quite inclusive. Some of the groups referred to could be thought to have a self-conscious existence; others were simply elements or categories within the population.

TABLE I. REFERENCES TO GROUPS

	1952[1]	1956
Pro-Democratic and Anti-Republican	1438	1659
Pro-Republican and Anti-Democratic	256	294
Totals	1694	1953

[1] In this and subsequent tables the number of responses in 1952 has been increased by the ratio of the size of the 1956 sample to the size of the 1952 sample to make possible a direct comparison of frequencies in the two years. The effect of the adjustment is to equate frequencies whose size relative to the size of their respective samples is the same.

this pattern must be from that of the later Roosevelt years.

If the Democrats preserved their good name as friends of the less advantaged, they appeared to lose much of their reputation as the party of good times. As shown in Table II, the total number of references to prosperity and depression declined fifty per cent from 1952 to 1956. And four years of Republican prosperity destroyed the major part of a fourteen-to-one margin the Democrats had had in the partisanship of these responses. After haunting the Republicans in every election since 1932, memories of the "Hoover Depression" had receded at least temporarily as a direct force in American politics.

Support for the Democratic Party as sponsor of the policies of the New Deal and Fair Deal eras also declined between 1952 and 1956, although far less dramatically. As shown in Table III, the total number of references to policies of this sort was reduced by a third between the two elections. And the proportion of responses associating the Democrats favorably—or the Republicans

TABLE II. REFERENCES TO PROSPERITY AND DEPRESSION

	1952	1956
Pro-Democratic and Anti-Republican	974	316
Pro-Republican and Anti-Democratic	70	213
Totals	1044	529

TABLE III. REFERENCES TO SOCIAL WELFARE POLICIES[1]

	1952	1956
Pro-Democratic and Anti-Republican	421	259
Pro-Republican and Anti-Democratic	96	101
Totals	517	360

[1] The issues most frequently cited were social security, federal housing, national health insurance, unemployment compensation, minimum wage, and aid to education. References to farm policy and civil rights are excluded from the tabulation.

unfavorably—with any of these policies declined considerably. If prosperity had undermined the good times theme, the disposition of the Eisenhower administration to accept basic reforms of the New Deal appeared to have undermined the Democratic appeal on issues of domestic policy.

The erosion of Democratic strength on many domestic issues seems not to have extended to farm policy. In a period of uncertain farm income and of a more severe governmental attitude toward the marginal farmer, it is not surprising that references to farm policy should increase in number and remain strongly Democratic between 1952 and 1956. The trend of these responses, shown in Table IV, is matched by the trend of references to farmers as a group, shown in Table V. The frequency of references to farmers rose markedly between the elections, and a strong Democratic advantage was preserved. Moreover, Mr. Stevenson, as well as his party, was perceived as a friend of the farmer in 1956. The fact that this is virtually the only group for which he shares substantially in pro-Democratic responses suggests that these attitudes were reinforced to a significant extent after his appearance as a figure in presidential politics.

TABLE IV. REFERENCES TO FARM POLICY

	1952	1956
Pro-Democratic and Anti-Republican	58	186
Pro-Republican and Anti-Democratic	20	77
Totals	78	263

TABLE V. REFERENCES TO FARMERS AS A GROUP

	1952	1956
Pro-Democratic and Anti-Republican	99	196
Pro-Republican and Anti-Democratic	11	18
Totals	110	214

Although the politics of the 'thirties and 'forties are reflected in the responses we have taken in the 'fifties, perceptions of more contemporary events, issues, and personalities have been of greater importance in both election years. The 1952 campaign followed two years of growing dissatisfaction with the Korean War and considerable clamor over Democratic management of the Executive Branch. Moreover, it brought a fresh and popular candidate to the Republican Party. Our responses in that year suggest that each of these elements added strength to the Republican cause. In 1952 references to Democratic corruption were of high frequency. References to the Korean War, foreign policy, and the preservation of peace were strongly pro-Republican. And references to the personal characteristics of Mr. Eisenhower were warmly favorable.

With the passage of four years only the perception of Democratic corruption seemed to have lessened as an element of Republican strength. In 1956, as shown in Table VI, pro-Republican references to this issue were given with about a sixth the frequency of 1952. In addition, the fact of a Republican administration had shut off references to the need for a change, a demand historically linked with a sense of the rascality of those in power. However, it is also true that neither Dixon-Yates nor the resignation of Secretary Talbot nor any of the other alarums of the first Eisenhower Administration had created a widespread sense of Republican wrongdoing. In 1956 the residue of comment about Democratic corruption was still much larger than the handful of references to Republican misdeeds and to the need for a change.

TABLE VI. REFERENCES TO CORRUPTION AND "TIME FOR A CHANGE" THEME

	1952	1956
Pro-Republican references to corruption	546	93
Pro-Republican references to need for a change	490	—
Pro-Democratic references to corruption	—	20
Pro-Democratic references to need for a change	—	23

TABLE VII. REFERENCES TO WAR AND PEACE

	1952	1956
Pro-Democratic and Anti-Republican	68	15
Pro-Republican and Anti-Democratic	514	595
Totals	582	610

TABLE VIII. OTHER REFERENCES TO FOREIGN AFFAIRS

	1952	1956
Pro-Democratic and Anti-Republican	143	145
Pro-Republican and Anti-Democratic	567	342
Totals	710	487

Through Eisenhower's first term the Republicans preserved the public impression that they were better able than the Democrats to assure peace. As indicated in Table VII, references to war and peace in 1952 were pro-Republican or anti-Democratic by a ratio greater than seven to one. By 1956 the virtual disappearance of comments favorable to the Democrats or hostile to the Republicans had increased the ratio five times. In 1952 pro-Republican comment in the realm of foreign affairs was spread over a range of issues. By 1956 it centered very largely on the preservation of peace. As shown in Table VIII, there was a decline in other pro-Republican references to foreign policy, such as criticism of the policy of the Democratic Administration toward China after World War II, although references of this sort were still twice as frequent as

TABLE IX. TOTAL REFERENCES TO EISENHOWER AND TO STEVENSON

	1952	1956
Favorable to Eisenhower	2518	2553
Unfavorable to Eisenhower	1159	1025
Totals	3677	3578
Favorable to Stevenson	1702	1274
Unfavorable to Stevenson	933	1316
Totals	2635	2590

TABLE X. RESPONSES FAVORABLE TO EISENHOWER[1]

	1952	1956
Generally good man, capable, experienced	301	330
Record and experience		
Military experience	202	111
Record in Europe	250	94
Political and other experience	57	106
Relation to party		
A good Republican	80	25
Not controlled by party, above politics	41	32
Qualifications and abilities		
Good leader, knows how to handle people	138	107
Good administrator	64	26
Strong, decisive	53	32
Independent	70	17
Educated	97	62
Good speaker	31	42
Personal qualities		
Integrity, ideals	271	291
Sense of duty, patriotism	70	74
Inspiring, people have confidence in him	53	39
Religious	19	85
Kind, warm	11	41
Sincere	63	126
Likeable, nice personality, I like him	220	363
Good family life	26	57

[1] Since a number of minor categories have been omitted from Tables X to XIII, the totals of the responses in these tables are somewhat smaller than the entries of Table IX.

pro-Democratic references to foreign issues. As we would expect, large numbers of the references to peace and other foreign issues were made in response to questions about Mr. Eisenhower. But in each year substantial numbers of references were also made in response to questions about the parties. A large part of these references in 1956 specifically characterized the Democrats as the "war party" and the Republicans as the party of peace. Only Mr. Stevenson was not associated in either year with problems of foreign policy, a fact which suggests a remarkable hiatus between public perceptions and what a candidate talks about in his campaign.

How were the candidates seen? What were the public's perceptions of Mr. Eisenhower and Mr. Stevenson in 1952, and how did they change in four years? From the comparison of total responses in Table IX it is clear that the fuller image was that of Eisenhower. In each campaign the number of references to Eisenhower is appreciably greater than the number of references to Stevenson. The table suggests, too, the extent to which Mr. Stevenson lost ground between the elections. In 1952 nearly two-thirds of the references to him were favorable; in 1956 roughly half the references were favorable. A wide majority of the responses to Eisenhower were favorable in both years.

TABLE XI. RESPONSES UNFAVORABLE TO EISENHOWER

	1952	1956
Generally not a good man, not qualified	41	36
Record and experience		
Unsuccessful record	3	28
Inexperienced (without government experience)	198	16
Part-time President	—	64
Relation to party		
He's a Republican	145	134
Controlled by party, linked with Old Guard	75	28
Qualifications and abilities		
Poor leader, can't handle people	2	14
Poor administrator	6	6
Weak, indecisive	9	13
Not independent, run by others	46	73
Poor speaker	26	13
Poor health, too old	9	386
A military man	446	63
Personal qualities		
Low integrity	12	16
Not enough humility	1	—
Not religious	3	1
Cold, aloof	1	1
Insincere	1	—
Rich, has lots of money	1	2
Not likeable, I don't like him	6	10
Poor family life	—	—

A detailed analysis of references to the candidates tells a good deal about their public image in the two campaigns. A summary of the references to the record and experience, the abilities, and the personal qualities of each is given in Tables X to XIII. The frequencies of Table X suggest that Mr. Eisenhower's appeal, already strongly personal in 1952, became overwhelmingly so in 1956. In the earlier campaign his military experience and record in Europe were clearly remembered. By 1956 these themes had receded without anything like a comparable number of references to his record as President taking their place. Moreover, references to his skills as leader and administrator were fewer in 1956 than before. It was the response to personal qualities—to his sincerity, his integrity and sense of duty, his virtue as a family man, his religious devotion, and his sheer likeableness—which rose sharply in the second campaign. These frequencies leave the strong impression that Eisenhower was honored not so much for his performance as President as for the quality of his person.

TABLE XII. RESPONSES FAVORABLE TO STEVENSON

	1952	1956
Generally good man, capable, experienced	200	190
Record and experience		
Record as Governor	150	48
Experience	204	67
Relation to party		
A good Democrat	262	199
Not controlled by party, above politics	2	3
Qualifications and abilities		
Good leader, knows how to handle people	19	20
Good administrator	36	10
Strong, decisive	7	11
Independent	32	21
Educated	149	180
Good speaker	141	100
Personal qualities		
Integrity, ideals	111	77
Sense of duty, patriotism	25	20
Inspiring, people have confidence in him	14	4
Religious	7	2
Kind, warm	11	8
Sincere	33	33
Likeable, I like him	91	77
Good family life	9	4

And the image of his person seems to have appealed both to our traditional moral tenets and to the values of an other-directed society.

The flaws in the Eisenhower image were few, and in neither campaign did they have to do with things for which the candidate could be held entirely accountable. In 1952 a large number of references cited Eisenhower's background as a military man and his lack of experience in civil government. Presumably his induction as President and subsequent non-military posture quieted most of these doubts, though comments on his military background were still heard in 1956. Responses linking Eisenhower unfavorably with the Republican party and its Old Guard element were less frequent in 1956 than in 1952. As indicated in Table XI, critical responses in the latter year dealt primarily with the issue of his health and his capacity to be a full-time President.

Other than these the only unfavorable reference of any frequency was the doubt that Eisenhower as President was wholly his own man. Criticism of personal qualities was almost totally absent in both election campaigns.

The popular response to Stevenson showed a general lessening of enchantment in his second appeal to the electorate. The passage of four years and the events of the Democratic National Convention had apparently diminished in the public's mind the connection between Mr. Stevenson and Mr. Truman. But the loss in esteem suggested in Tables XII and XIII extended to most other facets of the Stevenson image. Several details of the change stand out. In the first place, the benefit to Stevenson of having been Governor of Illinois, as measured by references to his record and experience, seems largely to have dissipated after four years out of office. References to his experience in public service dropped quite low in 1956, and comments about his lack of experience were made with greater frequency. Second, references to Stevenson's personal qualities, which had been warmly approving in 1952, were more unfavorable then favorable in 1956. Surprisingly, Stevenson's divorce seemed more on the public's mind in the latter campaign. Finally, the response to his campaign performance was much more hostile in 1956 than in 1952. Expressions of irritation with some part of the blend of eloquence, wit, and urbanity which characterized Stevenson as a campaigner were very much more frequent in his second quest of the Presidency.

TABLE XIII. RESPONSES UNFAVORABLE TO STEVENSON

	1952	1956
Generally not a good man, not qualified	37	122
Record and experience		
Unsuccessful record	18	14
Inexperienced	25	72
Relation to party		
A Democrat	108	41
Controlled by party, Truman	252	23
Qualifications and abilities		
Poor leader, can't handle people	7	16
Poor administrator	2	2
Weak, indecisive	17	25
Not independent, run by others	41	14
Poor speaker, don't like his speeches too high falutin; jokes too much	103	261
Personal qualities		
Low integrity	34	73
Not enough humility, too self-confident	—	22
Not religious	8	11
Cold, aloof	6	11
Insincere	6	40
Undemocratic, snobbish, aristocratic	14	22
Not likeable, I don't like him	34	159
Divorced, poor family life	85	137

IV

The frequency with which various ideas were voiced in answer to our questions gives a sense of the public image of the parties and candidates in these two presidential campaigns. These details suggest, too, the qualitative meaning of the more abstract variables describing the direction and intensity of partisan feeling that are needed to solve the problems which have guided our work. To serve the needs of our further analysis we have used the responses to define six dimensions of partisan attitude: (1) attitude toward Stevenson, incorporating all references to his experience, abilities, or personal qualities or his relation to his party; (2) attitude toward Eisenhower, incorporating all references of this sort to him; (3) group-related attitude, incorporating comments about the parties or candidates which referred to a group within the population; (4) attitude on domestic issues, incorporating all references to issues of domestic policy; (5) attitude on foreign issues, incorporating all references to issues of foreign policy; and (6) attitude toward the parties as managers of government, incorporating all references to corruption, to the collective leadership of the parties, and to their capacities to govern. Taken together, these variables virtually exhaust the responses to our open-ended questions in the two years. By the methods outlined above, we have used these six scales to describe each individual's partisan evaluation of the objects of national politics.

We have wanted to measure partisan attitudes first of all to explore their influence on the individual's choice of a candidate. The time has now come to see whether we can set on an empirical footing the early assumption that voting choice depends immediately on attitudes toward the visible objects of presidential politics. Our results are quite consistent with this assumption. An examination of the relation of preference with the full set of partisan attitudes gives a multiple correlation greater than .7 for the nation's voters in each election year.[7] The size of these coefficients is the more convincing if we keep in mind that random errors of measurement will depress our estimate of the extent of association between the partisan attitudes and voting choice.

Our results indicate that the joint relation of the partisan attitudes to voting preference is high and that each attitude dimension makes a contribution to the relationship. Yet the contribution of each is by no means the same. In the two elections the association of preference with some partisan attitudes was stronger than its association with others. And between the two years the strength of association of voting choice with the same partisan attitude was subject to change. These findings are summarized in Figure 1, which compares the extent of association between each attitude and voting choice, while the other attitudes are statistically held constant.[8] The figure makes possible some interesting comparisons among the several factors in the two years. It suggests that public attitudes toward the presidential candidates were of greater influence on voting choice in 1956 than they were in 1952. In each year, attitude toward Eisenhower was associated more strongly with individual choice than was attitude toward Stevenson. Indeed, the Stevenson factor exhibited a relatively slight relationship to voting choice in the first of these elections. The factor most strongly related to individual choice in the election of 1952 was that measuring public attitude toward the parties as governing instruments. By 1956 this relationship was considerably attenuated, as was the association of voting choice with public attitudes toward the issues of domestic and foreign affairs.

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[7] The findings of this section refer entirely to voters. Non-voters are excluded partly because we are interested in the actual vote and partly because the non-voter's post-election report of his preference seems peculiarly sensitive to the election returns.

[8] For a precise description of the quantities which are compared in Figure 1, consult the note appended to this report.

If we regard these attitudes as forces tending to move a person in the direction of a Republican or Democratic vote, the heights of the columns in Figure 1

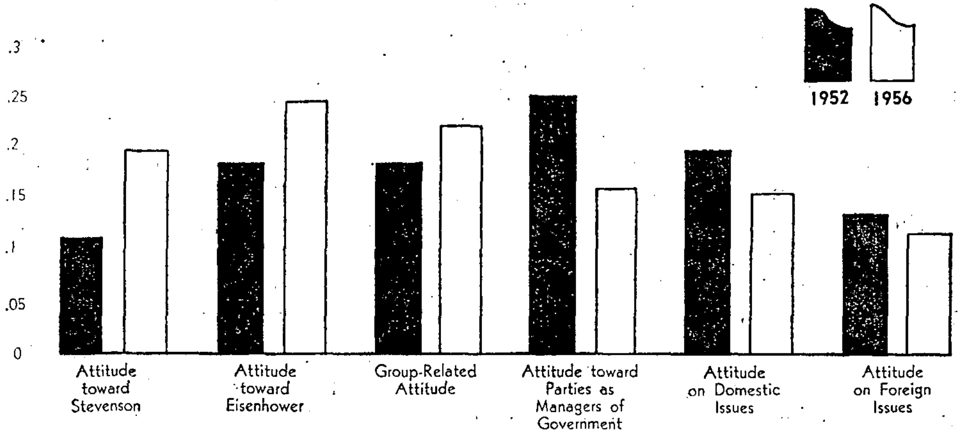

FIGURE 1. Relation of Partisan Attitudes to Voting Choice. (standardized regression coefficients)

tell us for a given year what weighting of the attitude forces would let us predict the vote of individuals with the least amount of error across the nation. It is important to see that a knowledge of what weights we should use is not enough to predict the vote of any individual person. For this we would need to know, too, his partisanship on each of the attitude variables; that is, we would need to know whether his attitudes toward the several objects of national politics are pro-Republican or pro-Democratic and with what relative intensity. Since the national vote is an aggregate of individual voting decisions, to predict the two-party division of the national vote we would need to know more than the weights to be given the several attitude variables. We would want to know as well the partisanship of the nation on each of the variables. That is, we would need to have the distribution of people on each partisan factor or, what is more efficient, some measure of the centers of these distributions, such as their means.

Now there are theoretical and empirical reasons for believing that each of these attitude variables has a zero-point, at which a person is not moved by the attitude to vote in one direction or the other. If the mean of the whole population were to fall at the zero-point we would say that the influence that a given attitude factor has on individual choice, when summed across the population, is not moving the country more in one partisan direction than the other. But as a matter of empirical fact we know that the means found in the population will not in general fall at the zero-points of these attitude scales. This fact can be turned to extraordinary advantage. For when the extent of the discrepancy between the observed mean and the zero-point is coupled with what we know of the relation of a given attitude to preference, we have an estimate of the direction and magnitude of the force this attitude is exerting on the two-party vote. A discrepancy between observed mean and zero-point shows a surplus of partisan feeling in one direction or the other. When the distance of the observed mean from the zero-point for a given attitude variable is weighted by the extent of association between the variable and voting choice we can say whether this attitude factor is moving the population toward the Republican or the Democratic standard and with what relative force. Under the assumptions implicit in the methods used, we have found a way of resolving the two-party vote into a set of attitudinal components.[9]

Applied to the 1952 and 1956 elections, this procedure leads to findings of considerable interest, which are summarized in Figures 2 and 3. In the design of these figures, a bar represents the influence of an attitude on the division of the two-party vote in a given year. The direction in which a bar extends from the mid-line indicates the direction of the force on the vote. If it extends to the left, the force is pro-Republican; if it extends to the right, the force is pro-Democratic. The length of the bar indicates the magnitude of an attitude's influence on the two-party division of the vote. If we subtract Democratic from Republican forces, there is in each election a net length in the Republican direction, which accords with the fact that in each election the Republicans elected a President.

An inspection of Figure 2 suggests that the Republican victory of 1952 resulted from the great appeal of Eisenhower, from a pro-Republican attitude toward foreign issues, and from a strongly anti-Democratic response to the parties as managers of government. This combination of forces appears to have overwhelmed the favorable response to Stevenson, the substantial Democratic group appeal, and a pro-Democratic attitude on domestic issues. The Republican victory of 1956 seems to have resulted from somewhat different components. In the latter election, the force of Eisenhower's appeal seemed of paramount importance. The Republican cause was again aided by a favorable response to foreign issues. But with the corruption issue spent, the public's attitude toward the parties as managers of government contributed much less to the Republican majority. On the Democratic side, the appeal of Stevenson apparently was no longer more an asset than a liability to his party, and the party's advantage in domestic issues was greatly diminished. Only a strong Democratic group appeal appeared to reduce the size of the Republican majority in the latter year. Figure 3 is arranged to simplify comparisons between 1952 and 1956.

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[9] For a more precise description of the methods used here, consult the note appended to this report.

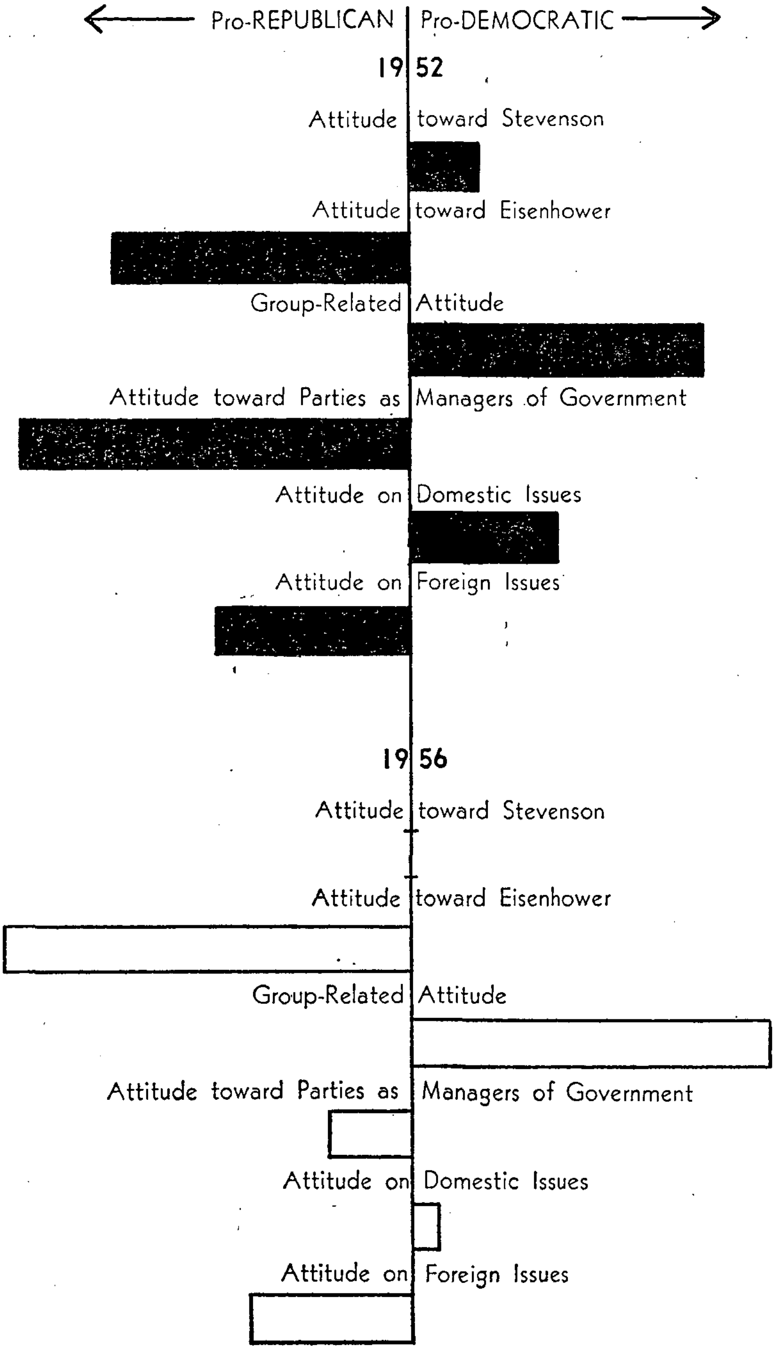

FIGURE 2. Attitude forces on the Presidential vote, 1952 and 1956, by years.

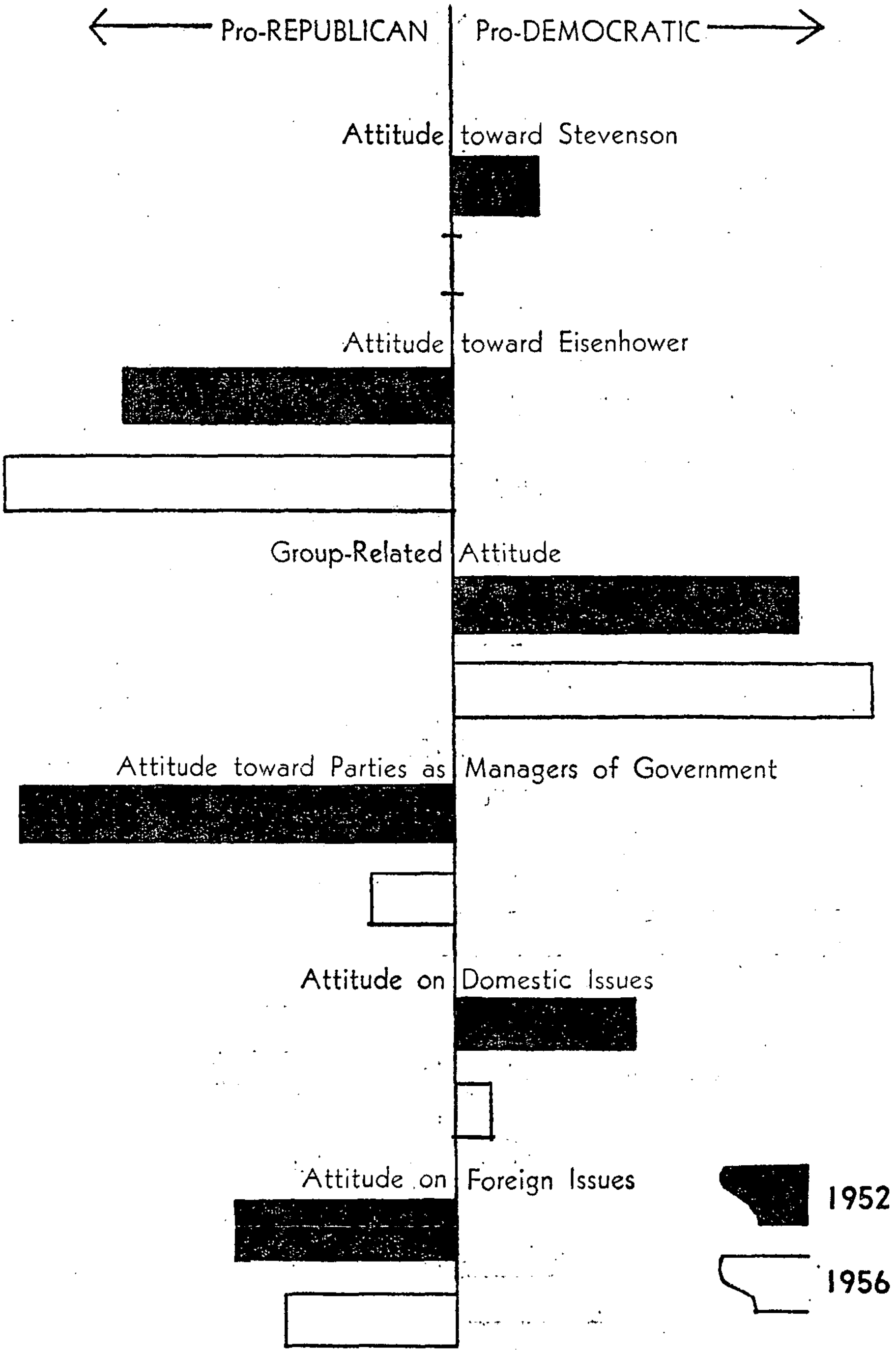

FIGURE 3. Attitude forces on the Presidential vote, 1952 and 1956, by attitudes.

It should be emphasized that the relation of an attitude to individual voting choice is not the same thing as its effect on the two-party division of the national vote. Certain of the findings should make this distinction clear. For example, a comparison of Figures 1 and 3 shows that the public's attitude toward Stevenson was associated more strongly with individual voting choice in 1956 than in 1952. Yet this attitude did less to reduce the size of the Republican majority in the second Eisenhower-Stevenson election than it did four years earlier. Indeed, when it was summed across the whole population, the force the Stevenson factor was exerting on individuals in 1956 was found not to be moving the electorate in either partisan direction. These findings will not seem paradoxical if it is seen that the net effect of an attitude factor on the division of the two-party vote depends not only on the extent of its association with individual voting choice; its effect depends as well on the extent to which the distribution of the nation on the factor shows a surplus of partisan feeling in the Republican or the Democratic direction. In 1956 the Stevenson factor did not show a surplus in either direction; the zero-point of the scale and the observed population mean were the same.

The measurements reported in Figures 2 and 3 describe the influence of certain mass attitudes in our two most recent presidential elections. As such, they may be regarded as contributions to the historical description of American politics. The literature of political history has inquired at great length into the role of popular attitudes toward the parties and candidates in shaping the decisions of the electorate in our various presidential campaigns. In a sense, the application of survey methods here is intended simply to aid the political historian in describing events which are of universal interest.

But measurements of this sort may contribute as well to more general theories of politics. For example, as they are extended through time, measurements of this type can enlarge our understanding of the processes of political change. Despite the common aspects of the two Eisenhower-Stevenson elections, there were important differences in the components of the Republican victories of 1952 and 1956, and these differences raise questions at various levels of generality about the factors which might underlie the observed changes. Was Stevenson's loss in public esteem a "normal" consequence of his having once been defeated? Does a party which has become associated with depression in the public mind have to come to power in prosperous times to change its image? And will a party associated with war be able to modify its image without regaining the Presidency? How long can a party preserve the public image of favoring certain groups if the issues from which the image developed moderate with time and with the adoption of new strategies by the opposition party? Does the public image of a *party* serve as a kind of carrier of attitudes that were first associated historically with *issues* or with *candidates*? Repeated measurements in a number of elections will be needed before answers to these questions can be given with confidence. And answers will of course come from work with a variety of research materials. But the potential contribution to an explanation of change that can be made by repeated measurements of the attitude components of the two-party vote seems very great.

A FURTHER NOTE ON METHOD

The statistical methods used to resolve the two-party vote into a set of component factors should be explained somewhat more fully than was possible in the body of the report. To measure the separate and joint relationships of the partisan attitudes with voting choice, we have used the coefficients of linear regression analysis. In particular, to estimate the relation of each attitude to preference with the other attitude factors held constant, we have used the coefficients of a regression equation with six independent variables. To standardize the coefficients for purposes of comparison, we have expressed each variable, including voting choice, in terms of standard deviations about its mean. It may help to clarify the meaning of these coefficients and the further statistical methods if we introduce some geometrical ideas.

If we were to consider only a single attitude variable, the equation expressing its linear relation to voting choice could be written as $v_p = \beta x$, where x is an individual's observed score on the attitude scale and v_p his predicted score for voting choice. In the familiar geometric interpretation, given in Figure A, this equation is represented by the straight line which best fits the observed values of the dependent variable in the least-squares sense. The magnitude of the regression coefficient, β, is represented by the slope of this line. The greater the slope, the stronger the association between the attitude factor and voting choice.

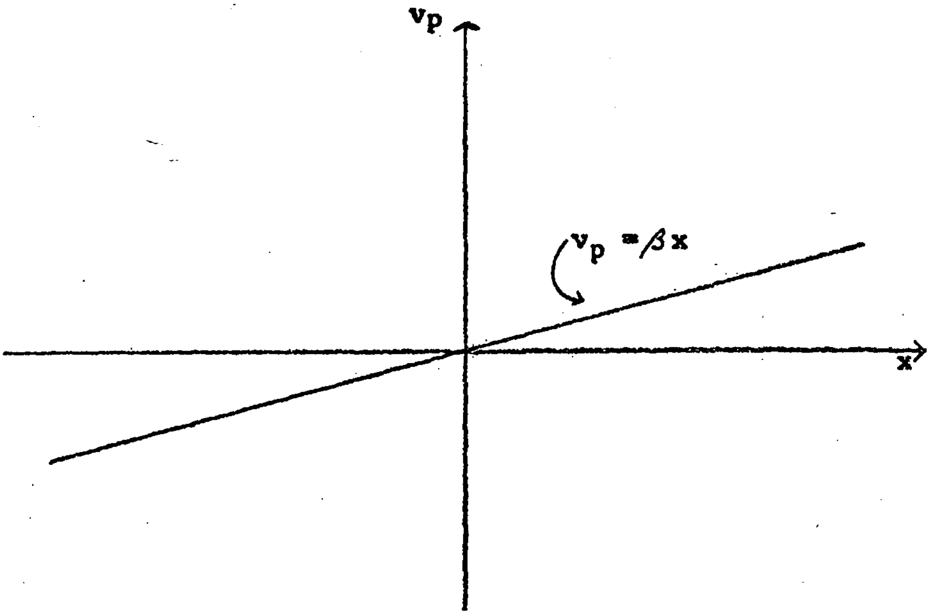

FIG. A

The fact that we have had six independent variables instead of one changes the geometric interpretation very little, since Figure A may just as well be regarded as a cross-section of the seven-dimensional space spanned by the six attitude factors and voting choice. The cross-section shows the relation of two variables in a multivariate setting; it displays the relation of one of the attitudes to voting choice with the other attitudes held constant. The slope of the regression line in Figure A now represents the value of one of the coefficients of the equation $v_p = \beta_1 x_1 + \beta_2 x_2 + \cdots + \beta_6 x_6$, where the x_i are an individual's observed scores in standard units on the six attitude scales and v_p his predicted score for voting choice. To compare the association of each attitude with voting choice when the other attitude factors are held constant, we could inspect the six cross-sections like this one and compare the slopes of the regression lines found in each. It is exactly these comparisons which are reported in Figure 1 above.

The procedure used to estimate the effect of each attitude on the division of the two-party vote is an extension of these ideas. In tracing the argument we should note, first of all, that the origin of Figure A—the intersection of the horizontal and vertical axes—lies at the joint mean of the attitude factor and of voting choice. This is true because we have expressed the attitude scores and voting choice in terms of deviations about their respective means. For mathematical reasons, the regression line will also pass through the joint mean of these variables. Secondly, we should recall that each of the attitude scales has a zero-point, a point of no partisan response or of equal response in each partisan direction. Let us designate this point x_0 in Figure B. Now if the observed mean, $\bar{x}$, and the zero-point, x_0, were the same, we would say that the population did not show a surplus of partisan feeling in one direction or the other on this attitude dimension; that is, the force this attitude factor is exerting on individual voting choice, when summed across the population, is not moving the electorate more in one partisan direction than the other. But we know that in general the observed mean will not coincide with the zero-point. The question then arises, what would the mean of voting choice have been if the mean of the attitude scores *had* fallen at the zero-point? The answer implicit in the regression analysis is that the mean of voting choice would have fallen at v_0 as may be seen intuitively in Figure B. Hence, the net partisanship of the population on this attitude factor, represented by the distance from x_0 to $\bar{x}$, may be said to have moved the mean of voting choice from v_0 to $\bar{v}$. In other words, the distance from v_0 to $\bar{v}$ is an estimate of the net effect of this factor on the two-party division of the national vote. If this is so, we may derive from our six cross-sections estimates of the effect of each attitude factor on the two-party division of the vote and by this means compare the influence of each on the vote in a given year or compare the influence of the same factor on the vote in different years. It is exactly these comparisons which are reported in Figures 2 and 3 above.

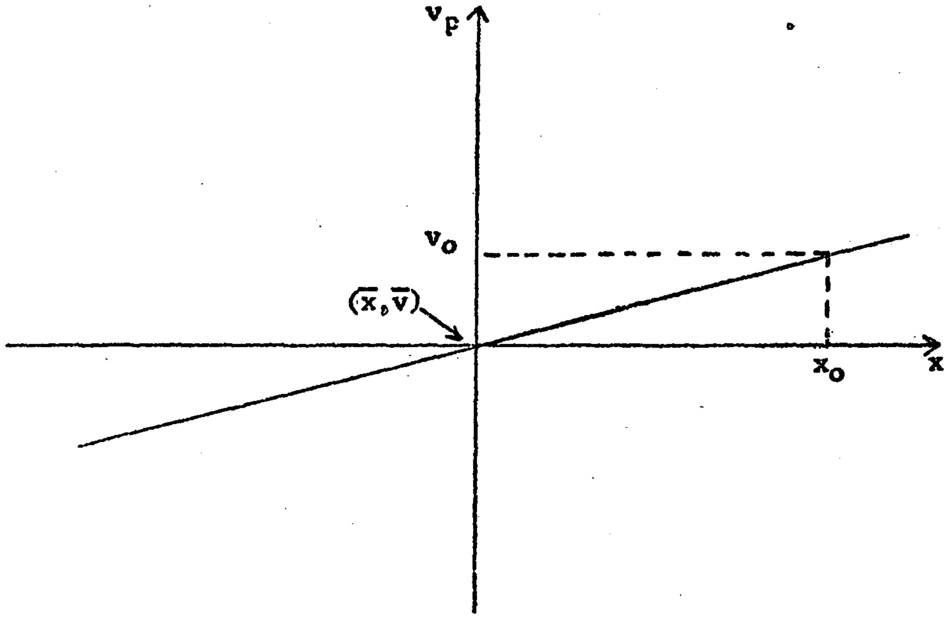

FIG. B

PRESIDENT-CABINET RELATIONS: A PATTERN AND A CASE STUDY

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A common generalization about the distribution of power in the American political system states that it is fragmented and decentralized. In accordance with this view, the making of public policy decisions can be explained largely in terms of the continuous interaction, competitive or cooperative, among many diverse semi-autonomous centers of power, some governmental, others non-governmental. Each power-holding unit—individual or group, private or public—is a discrete, describable entity existing within a plural political universe. It must be perceived and understood not in isolation but as one unit in a larger system of interrelated parts. Within such a network, multiple role-playing, group cross-pressures, and institutional rivalry must be considered normal. This paper is an attempt to apply the generally pluralistic viewpoint so expressed to a much neglected political institution,[1] the President's Cabinet, and to the power relationships involving an individual Cabinet member.

I

The most fruitful approach to President-Cabinet relations is one already made accessible by research in tangential areas. From the angle of executive-legislative relations, Pendleton Herring has analyzed the "maze of criss-crossing relationships between the President, Congress, and the departments."[2] He has captured the dilemma of executive officials caught between conflicting theories and practices of administrative responsibility, "vertically" to the President and "horizontally" to the Congress. Norton Long, in examining the pattern whereby executive officials establish a power base from which to operate a program, has emphasized that sufficient power *cannot* be "derived exclusively from superiors in the hierarchy." Officials must "fend for themselves and acquire support peculiarly their own."[3] In his study of interest groups, David Truman has demonstrated that, "The patterns of interaction among officials of the executive branch . . . show . . . an accepted practice of responding to the initiative of organized interest groups, to elements in the legislature to which these have effective access, or both."[4] Herring, Long, Truman and others have concluded that executive officials, thus Cabinet members, are involved in a pattern of power relationships which are understandable in pluralistic, quasi-feudal terms, as a "pattern of fiefs, baronies, and dukedoms,"[5] "a protean aggregation of feudalities that overlap and crisscross in an almost continual succession of changes."[6]

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[1] For an early statement on the need for study, see John Fairlie, "The President's Cabinet," this Review, Vol. 7 (February, 1913), p. 29. A recent comment is that of Edward S. Corwin, *The President: Office and Powers* (New York, 1948), p. 516, note 88. The two books most commonly cited for reference by political scientists are essentially historical treatments, *i.e.*, Mary Hinsdale, *A History of the President's Cabinet* (Ann Arbor, 1911); Henry B. Learned, *The President's Cabinet* (New Haven, 1912).

[2] Pendleton Herring, "Executive-Legislative Responsibilities," this Review, Vol. 38 (December, 1944), p. 1159.

[3] Norton Long, "Power and Administration," *Public Administration Review*, Autumn, 1949, p. 258.

Before proceeding with this line of analysis, another viewpoint, with a substantial currency both inside and outside of the profession, presents itself for consideration. Briefly stated, this alternative image pictures the President's relations with his Cabinet, collectively and individually, as essentially *hierarchical*, *helpful*, and *intimate*. Emphasis is placed upon tight presidential control from the top down, faithful Cabinet assistance from the bottom up, and harmonious cooperation at the points of interaction. For example, with respect to hierarchy, it is said that "No institution is more a body of one man's men than the American President's Cabinet."[7] Its members are characterized as the President's "chief lieutenants," his "chief assistants," his subordinates in the chain of command.[8] Their "daily salt" comes "from the President's table."[9] On the assumption of helpfulness, "the rule may be laid down that the President ordinarily consults the Cabinet on matters of grave public importance."[10] Moreover, "an able Cabinet can go far to make up for the deficiencies of a weak President."[11] The Cabinet is frequently proposed as a natural source of institutionalized assistance for the President in his relations with the legislative and/or the executive branch.[12] Regarding intimacy, the Cabinet is traditionally described in the press in the terminology of closest kinship, as the Chief Executive's "official family." As individuals, we read that it is "simply a matter of course that the Secretary of a new Department will become as such an intimate adviser and associate of the President."[13] The diversity of sources from which this image emerges testifies at least to its vitality. And in recent years it has achieved added status as the professed facsimile of the Eisenhower Cabinet.[14]

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[4] David Truman, *The Governmental Process* (New York, 1951), p. 409. For a brief discussion of the Cabinet in particular, see *ibid.* pp. 405–407.

[5] Herring, *op. cit.*, p. 1160.

[6] Truman, *op cit.*, p. 437. For a similar viewpoint see also Louis Brownlow, *The President and the Presidency* (Chicago, 1949), pp. 94–100; Paul Appleby, "Organizing Around the Head of a Large Federal Department," *Public Administration Review*, Summer, 1946, pp. 205–212.

[7] Jonathan Daniels, *Frontier on the Potomac* (New York, 1956), p. 29.

[8] *The Hoover Commission Report* (New York, 1949), pp. 3–5.

[9] Edward S. Corwin, "Wanted—A New Type of Cabinet," *New York Times Magazine*, October 10, 1948.

[10] Hinsdale, *op. cit.*, p. 326; also, Learned, *op cit.*, p. 4.

[11] Frederick A. Ogg, "The American Cabinet," *Parliamentary Affairs*, Winter, 1949, p. 36. For a good example of what we might label the Compensatory Cabinet theory, there is the following assertion regarding Warren Harding: "He could not be a Mellon, but he got Mellon; he could not be a Hughes, but he got Hughes; he could not be a Hoover, but he got Hoover; he could not be a Hays, but he got Hays." Henry L. Stoddard, *It Costs To Be President* (New York, 1938), p. 476.

[12] See notes 69 and 70 below.

[13] Learned, *op cit.*, p. 6.

The difficulty with the emphasis on hierarchy, helpfulness and intimacy is not its irrelevance but its one-sidedness—which results in turn, from a one-sided concentration on the Cabinet as a group, on the Cabinet as a discrete institution. According to this outlook, the important features of the Cabinet are its formal, institutional ones. Thus, as a group, the Cabinet exists to help the President implement his responsibilities and his authority. It has no institutional life apart from the President. It is a group appointed by him, his to use or not to use, and to use in any way that he sees fit. It has no self-starting mechanism, no legalized group prerogatives, and no collective decision-making authority. These are basic institutional facts. Standing alone, they tend to support the hierarchical representation of President-Cabinet relations. They can be illustrated by such time-honored anecdotes as the one involving Lincoln's decision contrary to the unanimous vote of his Cabinet, *i.e.*, "Seven noes, one aye—the ayes have it." The trouble with the story is similar to that of the hierarchical viewpoint which it most readily supports. Both are concerned more with ultimate institutional prescription than with actual performance.

The approach to President-Cabinet relations which begins by concentrating on formal institutional characteristics and ends by stressing hierarchy, helpfulness, and intimacy is an inadequate one. In the first place, it carries with it the false implication that day-to-day President-Cabinet relations are, in fact, precisely what a knowledge of their special institutional properties would indicate that they are. It also implies that the relationship can somehow be understood as self-contained and unaffected by the impact of external forces upon it. The burden of this article, and of the approach which it follows, is to insist that the activity of the individual Cabinet member cannot be understood wholly in terms of the immediate President-Cabinet nexus. He cannot be treated simply as a member of a collectivity. Neither can we assume that he is a devoted keeper of the President's confidences whose career in public life is one single-minded endeavor to act as the agent and servant of his superior. The Cabinet member participates in a multiplicity of non-presidential, and hence non-Cabinet, relationships. Through the extra-Cabinet activities of its individual members, the Cabinet interacts with the larger political universe, producing significant consequences for the behavior of the group.

A Cabinet member is typically the chief executive of an administrative organization, constantly interacting with its members, with the variety of private groups which seek decisions from it, with the legislators who hold life-and-death controls over it, and with partisan factions most sympathetic to him. He is a man with a particular departmental viewpoint, responsive to particular clientele interests and pursuing a particular program. His political behavior is shaped to a large degree by the kinds of extra-presidential relationships he establishes as he seeks solutions to his particular problems—the support of his policies, the survival of his organization, the control of his environment. Where extra-presidential relationships exist, then extra-presidential—perhaps, anti-presidential—actions are not far behind. For the realities of the Cabinet member's existence are not alone his dependent, contingent, hierarchical relationship to the President, but his independent, self-regulating, polyarchical relationships to non-presidential centers of power.

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[14] Maxwell Rabb, "The New Cabinet," Speech delivered at Jacksonville, Florida, February 14, 1957; John L. Steele, "The New Model Cabinet," *Life*, October 8, 1956, pp. 89–104.

The fact that he shares mutual interests with the units of his department, with special social constituencies, with legislators, and with party factions puts him in a situation fraught with ambivalence and competing demands. He has several sources of power and prestige, several focal points for his time and energy, several claimants for his loyalty and services. Conflict may, of course, be avoided; but the potentialities and uncertainties of the situation color his whole pattern of behavior. He is frequently caught and torn between alternatives of action—President-oriented or other-oriented—in an environment where the rationale, the means, and the incentives for pursuing either are readily available. Viewed from the perspective of the individual Cabinet member, there is an acute unreality to the hierarchical image. Hierarchy is subject to many countervailing influences. Opportunities to help the President are freighted with possibilities of hurting him. Intimacy is a condition to be achieved rather than assumed. The following case study is illustrative.

II

Jesse Jones's behavior as a Cabinet officer must be set in the context of his previous experience in government. A Texas Democrat, he was appointed by President Hoover in 1932 as a Director of the Reconstruction Finance Corporation. One year later, he became its Chairman, a position he held until 1939 when President Roosevelt designated him to be Federal Loan Administrator. In this post, he was given general supervision over several loan agencies in addition to the RFC. In 1940, Jones was made Secretary of Commerce, and by a special, unanimous resolution of Congress was allowed to remain as Federal Loan Administrator.[15] That agency was formally incorporated into the Department of Commerce in 1942. Three features of his RFC experience shed light on Jones's perception of his job and his pattern of behavior as Secretary of Commerce.

In the *first* place, the RFC was a creature of the Congress, a government corporation whose authority and functions were determined by the legislature. With the exception of the appointment of its Directors, it was relatively independent of the President. A statutory relationship thus bound Jones closely to the Congress during his entire thirteen years of government service. He assiduously cultivated and strengthened these ties at every opportunity in order "to make the RFC a dependable favorite of Congress."[16] At the forefront of his accomplishments, Jones always spoke, not a bit modestly, of his smooth relationships with that body:

[15] House Joint Resolution 602, approved September 13, 1940.

[16] Bascom Timmons, *Jesse H. Jones* (New York, 1956), p. 259.

> Throughout the entire period, we received in a manner probably unique in the history of federal agencies, the complete cooperation and confidence of each successive Congress. Not a single request that I made of Congress during those thirteen years was refused. On the other hand, Congress increased and broadened our power from year to year.[17]

Under congressional authorization and subject only to the routine approval of the President, Jones lent, between 1940 and 1945 "anything that we think we should . . . any amount, any length of time, any rate of interest."[18] A remark by Senator Adams bespeaks the unusual willingness of Congress to grant discretionary authority to him:

> Of course, the credit you are using comes from the Congress, and we have heard it said across this table and in the Senate and House that these vast credits were being extended largely because of the confidence the Congress has in Jesse Jones. Now that has been said time after time.[19]

Senator Taft described the incorporation of the RFC into the Commerce Department as "an extraordinary precedent, justified only by the character of the man."[20]

For Jones, congressional hearings were not inquisitions or ordeals about which to become apprehensive. They were informal, friendly, laudatory—almost clubby—interchanges.[21] Frequently, he would sit on the witness table and chat in an off-the-cuff manner. Or, if there happened to be a vacant seat between committee members, he would take it and the "hearing" would begin. Indeed, so comfortable did this executive official feel among congressional committees that he designed, bought, and presented to the Senate Committee on Banking and Currency a new table for their hearing room—one is tempted to say their clubroom—in order that he might see them all better while testifying.[22] Jones pursued this cordial alliance in casual day-to-day contacts. Once a week, he would lunch on Capitol Hill with members of the legislature, in the office of Vice President Garner or Speaker Rayburn or Senate Secretary Biffle. On other occasions, he would come to Garner's office for morning or afternoon coffee. "I guess it's *our* office," commented Garner, "Jones uses it as much as I do."[23]

A *second* crucial element in Jones's RFC experience was its non-partisan character. Like most independent agencies, its plural executive was composed of members of both political parties. Jones himself had been a very active Democrat as Director of Finance for the Democratic National Committee in 1924, as a favorite-son candidate for President in 1928, and as a faithfully heavy contributor to party causes. He had influential Democratic friends like fellow-Texan John Nance Garner and Senator Carter Glass. And though he retained these ties the RFC acquired a reputation for non-partisanship. Jones was a conservative in politics and, as the Republican-Southern Democratic coalition took shape within Congress, his Democratic politics became less of a liability. He continually stressed the non-partisan nature of his organization, and won the support of Republicans as well as Democrats. The ranking Republican member of the House Banking and Currency Committee spoke of Jones as "a man whom I so much respect for his wisdom, his intelligence, and his patriotism that without giving it much consideration, I would accept almost any proposal he might make."[24] Or, consider this colloquy between the ranking Republican and the ranking Democrat in the Senate Appropriations Committee:

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[17] Jesse Jones and Edward Angly, *Fifty Billion Dollars* (New York, 1951), p. vii.

[18] *New York Times*, January 25, 1945, p. 14.

[19] *Hearings* on H. R. 5667, U. S. Senate Banking and Currency Committee, 77th Congress, 1st Session, 1941, p. 14.

[20] 86 *Congressional Record*, 76th Congress, 3rd Session, p. 11862.

[21] When they did subject him to a normally (for others) warm interrogation, Jones was quick to show a hair shirt and to take personal offense. For example, see *Hearings* on Petroleum Investigation, U. S. House Subcommittee of the Committee on Foreign and Domestic Commerce, 77th Congress, 2nd Session, 1942, pp. 105–107.

[22] Timmons, *op cit.*, pp. 263–265.

[23] *Ibid.*, p. 264.

> *Sen. White:* . . . I have to confess that there is a disposition for me to favor anything that Mr. Jones recommends.
>
> *Sen. McKellar:* That is for me, too. I do not think that there is a finer man anywhere in the world.[25]

Jones's extraordinary standing with Congress was built partly on his success in keeping his organization in close touch with that body and yet outside party conflict.

A *third* factor, intertwined with the other two, was the close *entente* between Jones's organization and a powerful social constituency—the business community. During his government service, agencies under his supervision authorized expenditures of fifty billion dollars to assist various enterprises in business, industry, and banking. He was in constant contact with representatives of this group, as consciously and as inevitably reaching out for their support as they did for his. His public speeches were aimed at this particular clientele, and the groups which gave him a forum were business groups—the Chamber of Commerce, the American Bankers Association, the National Wholesale Association Council, the Committee for Economic Development, the Department of Commerce's Business Advisory Council. Jones himself was a businessman, who had become by 1929 "the best known private citizen in Texas," due to his ownership of a newspaper, several hotels, a bank, several skyscrapers and other assorted real estate.[26] He identified himself completely with business; and he considered the RFC to be "America's largest corporation and the world's biggest and most varied banking agency."[27]

Jones never passed up the opportunity before Congress to attribute the success of the RFC wholly to the fact that it was a "businesslike, nonpolitical organization." Again and again he reiterated that, "Our agency is a business agency composed entirely of business people."[28] He was tireless in his praise of his agencies as paragons of businesslike efficiency and economy, and he loved to make invidious comparisons between himself and the "do-gooders," "idealists," and "screwballs" in the government who did not possess the same virtues. His organizations were run as businesses, by businessmen, and for businessmen. Jones fastened himself to a powerful constituency which cut across party lines and gave him leverage both in and out of Congress. Moreover, his appeals to Congress and to his business constituency were mutually reenforcing. Throughout the Roosevelt Administration, the executive branch had not been especially hospitable to business, and business channels of access to government coursed mostly through the legislature. Members of Congress tended to be very sympathetic to Jones's emphasis on business and identified themselves with his efforts to help it, especially small business.[29]

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[24] 83 *Congressional Record,* 75th Congress, 3rd Session, p. 1988.

[25] *Hearings* on Department of Commerce Appropriation Bill for 1943, U. S. Senate Subcommittee of Committee on Appropriations, 77th Congress, 2nd Session, 1942, p. 64. See also, Jones and Angly, *op. cit.,* p. 545.

[26] Timmons, *op. cit.,* p. 153.

[27] Jones and Angly, *op. cit.,* p. 3.

As head of the RFC, Jones developed lines of responsibility and areas of support which had few presidential dimensions. On the basis of his personal and his institutional resources, he fashioned a substantial enclave of power and, hence, a considerable degree of political independence. As Secretary of Commerce, however, he was brought into a different and theoretically more dependent relationship to the President. He joined the "official family" at Cabinet meetings; his formal responsibility now ran directly up the hierarchy to the Chief Executive; and with a closer relationship came greater opportunities for him to help the President. Jones himself had no intention of allowing either of the two patterns of relationships—least of all, the President-oriented one—to absorb the other. And as if to underscore the point, he refused to accept the Commerce post until Roosevelt agreed to let him retain all his RFC functions.[30] However this may be, the key idea is that Jones's network of relations with Congress, with a social constituency, and with political partisans, is only an extreme case of the kind of network within which nearly every department Secretary must operate. It is the essence of his extra-Cabinet activity. The vividness, perhaps, but not the validity of this proposition depends upon Jones's peculiar RFC background and his perception of his new role. His situation, faced with alternative lines of responsibility, one to the President and one to the Congress, is a normal one in the American political system. In his first appearance before the House Appropriations Committee, he spoke as any Secretary of Commerce would when he said,

> If the Department of Commerce means anything, it means as I understand it, the representation of business in the councils of the administration, at the Cabinet table, and so forth.[31]

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[28] *Hearings* on Amendment of Budget and Accounting Act of 1921, U. S. Senate Committee on Expenditures in the Executive Branch, 78th Congress, 1st Session, 1943, p. 104.

[29] *Hearings* on Department of Commerce Appropriation Bill for 1944, U. S. House Subcommittee of Committee on Appropriations, 78th Congress, 1st Session, 1943, p. 11.

[30] Jones and Angly, *op. cit.*, pp. 257, 536; Timmons, *op. cit.*, p. 250; *New York Times*, January 25, 1945, p. 14.

[31] *Hearings* on Department of Commerce Appropriation Bill for 1942, U. S. House Subcommittee of Committee on Appropriations, 77th Congress, 1st Session, 1941, p. 9.

The duality of roles, as presidential lieutenant and departmental executive, promotes ambiguity and conflict and, as the Jones case illustrates, a pattern of behavior quite unknown to the hierarchical image of President-Cabinet relations.

In 1943, Congress was considering legislation to set up a single agency to coordinate the disposal of surplus government property. The bill provided for coordination by the President, and as a practical matter by the Bureau of the Budget. With an eye to uniformity and control, the Budget Bureau desired that all agencies in the executive branch be tied into the program. This, of course, included the RFC and its various subsidiary corporations which comprised one of the largest government purchasers and holders of property. In the Senate hearings, the Bureau expressed its wish that,

> . . . the disposal policies of these corporations should be subject to review under this bill, for assurance that they are tied in, that there is cohesion and coordination, and that they are not out in a competitive status.[32]

Jones was willing to listen to the advice of a unifying agency, but fought for the complete autonomy of the RFC in disposing of its property. In effect, he argued against the wishes of the Chief Executive, and did so without even consulting Roosevelt. Before the committee, Jones stated his own position, and appealed for support to his favorite constituencies, Congress and business.

Arguing from the standpoint of business, he said,

> I don't see any excuse for a new agency to handle and dispose of these properties. You have a perfectly good one. . . . I should think that you would use the RFC and give it such additional manpower as it needs, because it is a business agency and this is a business proposition. There would be no purpose in setting up a new one, but Congress can do it if it wants.

At the suggestion of the Committee, he was "willing" even to enlarge his own domain and leave out the Budget Bureau altogether in the area of real property.

> *Sen. Ferguson;* Could the RFC become the agency and dispose of all properties? Is that the logical place to place it, because it is a business organization?
>
> *Secretary Jones:* I think that is where it belongs; that is all plants, equipment, machinery, machine tools, and so forth. *I have not discussed the matter with anyone in authority in the government.* Those are my views and they are very strong. . . . I do not understand why they (Budget Bureau) would be a natural agency to do this job.
>
> *Ferguson:* Who would be the natural agency in the government?
>
> *Jones:* The RFC. . . . When I say the RFC, I mean also the Department of Commerce, because they are the business end of the government.[33]

The hearings closed on a familiar note, Jones's appeal to the Congress and reciprocated congressional sentiments of affection for him:

> *Chairman:* (Senator Hill) You feel that your agency, having built these plants and secured this property, is the agency to make this disposition?
>
> *Jones:* The RFC is your agency, an agency of the Congress.

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[32] *Hearings* on Amendment of Budget and Accounting Act of 1921, *op. cit.* pp. 29–31.
[33] *Ibid.*, pp. 113–114 (italics supplied).

Chairman: Mr. Jones, when you first appeared here this morning, I spoke about your many different titles. I am going to confer another title on you, and that is that you are a great diplomat, too. That was a fine way to put it. But as you say, it is Congress' agency that has secured this property. It is your feeling that it is the agency that Congress should use for the disposition of this property better than anybody else?

Jones: Yes, sir. . . . I do not intend to be immodest.

Chairman: We would not have you immodest. We do not want you to be.

Sen. Ferguson: The entire country is going to be very fortunate if all the other agencies feel about Congress as you do I am sure.

Chairman: I want to say this, too, since the Senator has said what he has, that Mr. Jones' actions always square with his words. He is always most considerate of the Congress.[34]

One point at which Jones's double-barrelled efforts to mitigate presidential control were effective was in the appropriations process. In theory the major purpose of the executive budget is to provide for coordination of the expenditures of the executive branch in the name of economy and efficiency. The reverse side of the coin is the central control over programming by the President through his control over expenditures. The Budget Bureau, as a staff arm of the President, prepares a document which tries to express unity in policy as well as in finance. Reductions in agency requests represent the complex judgment of the President and his staff on matters of priority, cohesion, and purpose. Insofar as Cabinet members can make successful appeals to the Congress against this judgment, they can operate their departments with little dependence on the President and, virtually, if not literally, in defiance of him.

In drawing up the Department of Commerce budget for fiscal 1944, the decision was made to eliminate the field service of the Bureau of Foreign and Domestic Commerce. Wartime restrictions on trade had reduced the usefulness of this service, and that part of the job which needed to be done could, in the eyes of those dealing with the budget, be performed better by a wartime agency. To Jones, the reduction represented an attack upon his domain by people who were ignorant of his problems, and he lobbied strenuously before the appropriations committees in the House and Senate to restore the cut of $430,000 in the interests of his clientele.

In the House Subcommittee hearings, Jones began by stressing the efficiency and economy of his own agency while taking pot shots at others, both tactics designed to identify his aims with those of Congress.

> We have a seasoned organization, which would work in cooperation with the RFC and its agencies. We have been in the government a long time. You don't hear much fuss about us. We get along pretty well and we think we know how to do the job better than some big shot that you would get in as temporary head, building up an organization which would be partly made up of volunteers and inexperienced people who do not know how to work together. . . . Of course, we do not spend any money which does not seem to be necessary. I believe in economy, but there are apparently not a great many people who do. There seem to be a good many in Congress who do, but not the boys on the spending line.[35]

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[34] *Ibid.*, pp. 118–119.

[35] *Hearings* on Department of Commerce Appropriation Bill for 1944, U. S. House, *op. cit.*, p. 8.

With a little legislative arm-twisting, Jones freely stated his position on the budget cut.

Mr. Hare: Mr. Secretary, . . . we all know of your wide business experience, and I wonder if you would give us the advantage of your judgment as to what extent and in what way these district offices would be able to contribute in giving assistance to small business activity?

Jones: If we had that money, we would expand the present organization instead of closing it. *But we have had advice from the Budget Bureau that this does not fit into the President's program. Of course, we are not trying to oppose the President, but we think the Budget is wrong.*[36]

Before the Senate Committee, Jones concluded his appeal for the restoration of the cut in terms of his particular constituency and without any reference to any overall presidential program.

I think that the Department of Commerce has got to carry the ball for business. That is what it is set up to do. If we haven't got the right people to do the job, then others should be gotten to do it. But the Department is the representative of business at the Cabinet table and in the administration whatever the administration is. So I say that I think it is of importance that we not destroy or diminish this service one iota, that it really ought to be expanded and encouraged.[37]

Of the $430,000, Congress restored $295,000; and only four of the thirty field offices were closed.[38]

Jones's consciousness of his high standing contributed to a psychological hypersensitivity to any attempt "to horn in on our RFC operations." He communicated this sensitivity to the Congress and they responded in kind. They were irritated when a wartime agency like the Office of Production Management or the Board of Economic Warfare infringed in any way on the discretionary authority of Jones over the money which they had appropriated.[39] Their solicitude, while a blessing to Jones, was a distinct burden to the President. For it allowed the Secretary of Commerce to prosecute, before friendly committees, an internecine warfare with other agencies of the executive branch, casting about for non-presidential support as he went. The most obvious of these adventures was that which resulted in the "acrimonious public debate" between Jones and Henry Wallace, who was head of the BEW, in June of 1943. This quarrel between subordinates obviously hurt and annoyed the President and hampered his direction of the war effort.

At least as early as December of 1942, Jones had been engaged in sidewise combat with the BEW before Congress. In an appearance before the Senate Banking and Currency Committee, Jones allowed himself, with little encouragement, to complain that he was really "working under" the BEW and was very dissatisfied with the arrangement. One of those informal gestures which seldom break into print provided Senator Tobey with an opening.

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[36] *Ibid.*, p. 10 (italics supplied).

[37] *Hearings* on Department of Commerce Appropriations Bill for 1944, U. S. Senate Subcommittee of Committee on Appropriations, 78th Congress, 1st Session, 1943, p. 63.

[38] *Hearings* on Department of Commerce Appropriations Bill for 1945, U. S. House Subcommittee on Committee on Appropriations, 78th Congress, 2nd Session, 1944, p. 107. Jones argued again in 1944 for the restoration of the original amount, using the same rationale. See *ibid.*, pp. 2, 6, 9, 13–14.

[39] *Hearings* on Increasing the Borrowing Authority of the RFC, U. S. Senate Committee on Banking and Currency, 77th Congress, 1st Session, 1941, pp. 12–14, 20.

> *Sen. Tobey:* This matter of working with the BEW was enough to cause you to *raise your eyebrows*, as you did the first time it was mentioned here, is that right?
>
> *Jones:* That is right, I suppose, but I don't quite know what you mean.[40]

Of course, Jones knew very well, and only had to be coaxed a little more to reveal that,

> We negotiate contracts and arrange financing and none of them (other agencies) except the BEW ever interferes with our negotiations. They leave it to us, feeling that we are the business organization with experience, preferring to have us negotiate the contracts; and because of our responsibility to Congress, we quite naturally prefer to do it.
>
> *Tobey:* But the BEW does interfere.
>
> *Jones:* They do a great deal of the negotiating, yes . . . .
>
> *Tobey:* Would you want to answer this question, having in mind the talk here this morning about the BEW and its extraordinary powers? Would you feel that if the BEW were curbed . . . it would be a wise procedure?
>
> *Jones:* The Executive Order is made by the President.
>
> *Tobey:* Yes, I know.
>
> *Jones:* I think I would not care to discuss that.
>
> *Tobey:* But here is a nation and we are all striving to serve it. . . . *Such a thing as I suggest might contravene the President* . . . but whether the nation would be better served by having a better setup . . . would you feel that some other arrangement would be wiser than the present arrangement?
>
> *Jones: Inasmuch as you press the question, I will say I think it could be improved.*[41]

Jones did not consider his relationship with Roosevelt in terms of subordination or hierarchy. He saw it, instead, as a marriage of convenience between coequal potentates. "I never considered that I was working *for* him, but *with* him for the country."[42]

> In the twelve years I worked with him, we never had an argument. We did not always see alike. If he asked me to do something which in my opinion we could not or should not—and that happened only a few times—we just did not do it. For me that was the only way to operate without having a break with the President.[43]

His biographer describes how Jones "layered" Roosevelt's proposals.

> He granted such demands as he deemed wise or safe, but when Roosevelt wanted something that Jones considered wrong or clearly unwise, he listened, withheld argument, and then contrived an escape by inconspicuous inaction.[44]

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[40] *Hearings* on Increasing the Borrowing Authority of the RFC, U. S. Senate Committee on Banking and Currency, 77th Congress, 2nd Session, 1942, p. 6.

[41] *Ibid.*, p. 8 (italics supplied); see also, *ibid.*, pp. 10, 41.

[42] Timmons, *op. cit.*, p. 249 (Italics supplied).

[43] Jones and Angly, *op. cit.*, p. 262.

[44] Timmons, *op. cit.*, p. 394; see also, *ibid.*, p. 257.

Neither was there any feeling of intimacy between the two men.

> In no sense did I feel his superiority over other men except that he was President and the greatest politician our country has ever known, and ruthless when it suited his purpose.[45]

Roosevelt, for his part, was willing to work on a relatively thin margin of loyalty, both personal and programmatic—which is doubtless one reason why their association lasted as long as it did. Ultimately, however, the personalities of the two men cannot explain the difficulties or the endurance of the relationship.

Roosevelt retained Jones in the Cabinet because his presence was helpful—not in spite of his independent strength, but because of it. The most persistent political problem facing any President is that of consolidating enough support for his policies. From this standpoint, Jones's influence with groups in and out of government was an asset on which Roosevelt could trade. He saw Jones's conservatism as "a good thing for this administration," "a good antidote for the extreme liberals, a sort of balance as it were."[46] In 1940, Jones spoke over a nation-wide radio hookup, to his business constituency, urging that the re-election of the President was in their best interests. Roosevelt realized, too, that Jones's strength in Congress, with its hard core in the influential Texas delegation, was useful to him. It was a strength calculated by some as "ten votes in the Senate and forty in the House" on matters within Jones's area of competence.[47] He was able on one occasion, for instance, to persuade reluctant legislators to vote a huge export-import loan to South America.[48] Thus the total picture of the Jones-Roosevelt relationship was an admixture of help and hindrance. Neither assets nor liabilities were constants, and the ultimate judgment, of participant and observer alike, is one of subtle calculation.

As the 1944 Democratic Convention approached, Roosevelt's calculations "convinced" him that Jones's influence was being used to support a conservative revolt, and to persuade the Texas delegation to vote against a fourth term nomination. Jones denies it. Whatever the case, the decisive thing is that Roosevelt believed it was true. Moreover, it was the kind of behavior which touched his most sensitive political nerve. Jonathan Daniels writes that in 1944 the President was speaking contemptuously of "Jesus H. Jones," and that he was planning then to remove him from the Cabinet.[49] Judge Rosenman feels that the move was a mistake and that "Roosevelt would never have made it under ordinary circumstances, but the vindictiveness aroused by the reports of Jones's activity impaired his usually clear political insight."[50] The puzzle of the curt Roosevelt-to-Jones note after the election can best be explained in this way. It stressed Henry Wallace's "utmost devotion to the cause, travelling almost incessantly and working for the success of the ticket in a great many parts of the country."[51] As Joseph Harris says,

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[45] Jones and Angly, *op. cit.*, p. 290; see also, *ibid.*, p. 283.

[46] *Ibid.*, pp. 262–3; Timmons, *op. cit.*, p. 252.

[47] John Gunther, *Roosevelt in Retrospect* (New York, 1950), p. 128.

[48] Timmons, *op. cit.*, pp. 266–267.

[49] Jonathan Daniels, *The Man of Independence* (New York, 1950), p. 243.

[50] Samuel Rosenman, *Working With Roosevelt* (New York, 1952), pp. 84–85.

> Roosevelt chose this means of letting it be known that Jones was dismissed because of his failure to support Roosevelt politically. On any other grounds, the dismissal of Jones would have caused a great furor.[52]

Jones did not go down without a fight in which he incontestably demonstrated his independent power. Divorced of the prestige of office, he nonetheless could summon enough political support to keep his base of operations, the RFC, out of the hands of his successor. His letter blasting Henry Wallace, and his testimony on the George Bill were in the nature of a valedictorian appeal to business and to the Congress. Congress responded with majorities of 400–2 and 74–12 in favor of removing the RFC from the Department of Commerce. Wallace, with that lack of perspective so common to a man who has been run over by a steamroller but with the sure knowledge that he had been thoroughly flattened, said later that "Jesse Jones wielded greater power for a longer period that any human being in the history of the United States."[53]

A more sober and pertinent comment, perhaps, would be this: that the *denouement*, like the rest of the story, illustrates something of the fragmented, decentralized nature of power in the American political system. Jesse Jones built, inhabited, and manipulated a political fiefdom with a degree of independence which brought a heavy burden to his lord-President. But the feudal analogy is only partially correct. For within the democratic political process there are no laws of primogeniture and entail. Jones's fiefdom was, in the final accounting, a web of relationships peculiarly his, held for as long as he could hold it. It was not a transferrable property. At the very end, he boasted facetiously about his double-job that, "I do not believe there is another man in the world that will do it except me."[54] It was an accurate assessment not alone of the man, but of the system. Power in the American system is both fragmented and, in David Riesman's term "mercurial." It can be quite easily and logically won by the Cabinet member. But as the Jones case demonstrates, no particular constellation can be held or held together permanently. The Jones case also demonstrates that the winning and the holding involve an area of activity and a kind of result which are neglected in the hierarchical-helpful-intimate image of President-Cabinet relations.

III

The pattern of extra-Cabinet activity examined here has a marked effect on the behavior of the Cabinet as a group, especially at the point where its group activity has meaning, the Cabinet meeting. Ideally, the members come together here to work as a unit, to advise, discuss, debate, coordinate and, in general, to cooperate in helping the President deal with his government-wide responsibilities. Actually, however, the individual member brings to the meeting a point of view which is a derivative of his extra-Cabinet activity and which, to a varying but substantial degree, militates against the assumptions about cohesiveness and teamwork. His intra-Cabinet relationships are heavily influenced by the same centrifugal forces which operate outside of the meeting to pressure him into a kind of competitive independence *vis a vis* the President. His outlook is particularistic and departmental. His attitudes toward his colleagues scale from one of benign indifference to one of competitive distrust. His loyalty, his interest, and his contribution are tendered to the group as a group only in a very minimal sense. He comes to the Cabinet table in much the same frame of mind as a diplomat comes to an international conclave, with departmentalism rather than nationalism as the root barrier against cooperative enterprise.

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[51] Jones and Angly, *op. cit.*, p. 218.

[52] Joseph P. Harris, *The Advice and Consent of the Senate* (Berkeley, 1953), p. 147.

[53] Timmons, *op. cit.*, p. 330.

[54] *New York Times*, January 25, 1945, p. 15.

The psychology of departmentalism is revealed most clearly in the reluctance of each member to raise important and controversial issues in Cabinet meeting. Each one feels that his problems, be they departmental or interdepartmental, are his private affair or, at most, the concern of but a few others whom he prefers to solicit in private. He tends not to want and hence to resent, the comment, criticism or judgment of his fellows.[55] Jesse Jones, like many other members, evaluated his colleagues in terms of the degree to which they minded their own business. He stated the canon of behavior succinctly as follows: "I made no suggestions to other Cabinet members about their departments and asked none from them."[56] Or, again,

> My principal reason for not having a great deal to say at Cabinet meeting was that there was no one at the table who could be of help to me except the President, and when I needed to consult him I did not choose a Cabinet meeting to do so.[57]

Sphinx-like during the meetings, Jones invariably scrambled into line afterward for a private conference with the President at which he, like the others, conducted any serious business that was on his mind. The typical post-Cabinet traffic jam at the President's chair is but one symptom of departmentalism and the lack of group identification.[58] Others can be found in the members' eagerness to disassociate themselves from the difficulties of their fellow members

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[55] For some examples, see David Houston, *Eight Years With Wilson's Cabinet* (New York, 1926), I, 40–41; Josephus Daniels, *The Wilson Era* (New York, 1944), I, 451, 447–448; Merlo J. Pusey, *Charles Evans Hughes* (New York, 1951), II, 427; Everett Colby, "Charles Evans Hughes," *Scribners*, May, 1928, pp. 564–565; Cordell Hull, *The Memoirs of Cordell Hull* (New York, 1948), I, 204, 207–209, 598, 902, II, 1156–1157; Frances Perkins, *The Roosevelt I Knew* (New York, 1946), pp. 198, 268–273; Harold L. Ickes, "My Twelve Years With FDR," *Saturday Evening Post*, June 5, 1948, pp. 81–82; Henry Morgenthau, "The Morgenthau Diaries," *Saturday Evening Post*, September 27, 1947, p. 82; Walter Millis (ed.), *The Forrestal Diaries* (New York, 1951), pp. 21, 232.

[56] Jones and Angly, *op. cit.*, p. 303.

[57] *Ibid.*

[58] *Ibid.*, pp. 278, 303–304; David Lawrence, *The True Story of Woodrow Wilson* (New York, 1924), pp. 90–91; William Redfield, *With Congress and Cabinet* (New York, 1924), p. 67; Pusey, *op. cit.*, II, 427; Henry Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York, 1947), p. 561.

(evident in the extreme during the Teapot Dome scandals),[59] and their sometime willingness to "leak" the contents of Cabinet proceedings to the newspapers.[60] These manifestations, coupled with the formal institutional weakness of the Cabinet, entwine cause and effect in the debilitation of the Cabinet meeting.

Since it is the President, if anyone, who wants and needs to have the Cabinet function as a unit, it is he who suffers most from the impact of enfeebling forces upon it. And though their predisposition to rely on it varies with temperament and administrative habit, all Presidents do wish to and do use it to some degree. The President is, of course, not helpless in combating the lack of a cooperative *esprit.* He hires and fires, devises new procedural techniques, exercises a control over the business content of the meetings and acts, by example, as a positive energizing force. Indeed, this is the meaning of his formal hierarchical status, that he and only he has the resources with which to exercise a centripetal influence on the Cabinet. But to say that without his help the Cabinet will do nothing is not to say that with his help the Cabinet will do everything. The elements which nourish departmentalism have their sources in the basic pluralism of American politics. They are non-presidential in origin and extra-presidential in scope. The President's power to countervail against them is limited.

His control over Cabinet appointments is restricted by the unwillingness of many to accept, by the conditions of the period, by certain normative expectations as to ability, and by a whole set of traditional criteria of selection. One such criterion, that of a "balanced" or "representative" Cabinet is nothing less than an instruction to build into the Cabinet at the very outset the pluralism of American society in terms of geography, party faction, socio-economic constituencies, personal experience etc. This only highlights the extent to which the President is surrounded by forces over which he has limited control. As for the removal power, it is an ultimate weapon seldom used, and always, as in the Jones case, after a careful weighing of the assets and liabilities. The President may, as President Eisenhower has, make an institutional change; but its effect, too, will be modest and ameliorative. Thus, while the manifestations of departmentalism are relatively absent from the Eisenhower Cabinet meeting itself, they present themselves just as clearly at one stage removed in the procedure —in the reluctance of the Cabinet member to permit touchy items to be placed on the recently inaugurated Cabinet agenda.[61]

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[59] Charles Merz, "At The Bottom of the Oil Story," *Century*, May, 1924, p. 89; *Nation*, March 21, 1928, p. 310; Pusey, *op. cit.*, II, 568; Samuel Hopkins Adams, *Incredible Era* (Boston, 1939), pp. 409–410; Harvey O'Connor, *Mellon's Millions: The Biography of a Fortune* (New York, 1933), pp. 268–269.

[60] See Ray Stannard Baker, *Woodrow Wilson: Life and Letters* (New York, 1931), IV, 298; Houston, *op. cit.*, p. 217; Pusey, *op. cit.*, II, 427; *Independent*, March 28, 1925, p. 342; James Farley, *Jim Farley's Story* (New York, 1948), p. 135; Perkins, *op. cit.*, pp. 134–135; Hull, *op. cit.*, I, 204.

[61] This statement is based on interviews with Cabinet Secretary Maxwell Rabb, his Assistant, Bradley Patterson, and with several of the departmental officials who are in closest contact with the Cabinet Secretariat.

Departmentalism is a political fact of life to which every President will accommodate himself. It does not render the Cabinet useless. But it is, surely, one of the forces which drives every President beyond the Cabinet meeting and beyond the Cabinet member in search of the advice and assistance he requires. More positively, departmentalism helps determine which, of all the hypothetically possible Cabinet functions, are the ones most likely to be performed successfully. A group activity which presumes a high degree of cohesiveness, such as that of interdepartmental coordination, is less likely to be performed well by the Cabinet than one, such as that of political sounding board,[62] which does not. Probably the function best served by the Cabinet meeting is the provision of a small but vital measure of administrative coherence. That is to say, the infusion of a minimal sense of common purpose, of participant unity, and of some understanding by high level administrators of overall direction and emphasis. It is promoted by the very fact of a regular group meeting, however non-controversial the subject matter. It is promoted by the stimulation of the President's participation and by the communication of some of his thoughts to the group. Departmentalism has an adverse effect on the Cabinet meeting, but the meeting also serves to develop a degree of coherence and a degree of support for the President which would not exist in its absence.[63]

It may be objected that the Jesse Jones-Franklin Roosevelt relationship is a poor one with which to prove a point, that it is an attempt to make a rule out of an exception. Probably the degree of Jones's power, and certainly its visibility, was unusual. But in terms of a basic pattern of activity, the Jones case is not exceptional.[64] Some observers have maintained that in the Eisenhower Cabinet "separatist tendencies" have been reduced, if not eliminated.[65] To be sure, any pattern of activity involving the Cabinet will be modified by particular presidential influences. In the case of President Eisenhower, his conviction, out of a military background, that his staff mechanisms should function as "a single mind,"[66] his repeated insistence on the virtue of team play, and the institutionalized procedures he has adopted have minimized the symptoms of departmentalism in the Cabinet meeting itself. Harmony does exist at the Cabinet table; but it exists in large part because that is what the President wants and expects, and the members know it. Outside of the meeting, one need only cite the damaging public criticism of the President's 1958 budget by one of his most helpful and intimate advisers, Secretary of the Treasury Humphrey.[67] Or, consider Secretary of Labor Mitchell's independent behavior before his constituency and before Congress with respect to "right-to-work" and FEPC legislation.[68] Intra-Cabinet controversies involving Weeks and Durkin, Mitchell and Weeks, Stassen and Humphrey, and Dulles and Stassen have reached the public press. Others have, in effect, been forced underground into Cabinet Committees on Water Resources and Transportation. Though its manifestations and its effects may be modified, departmentalism cannot be put to death by executive fiat, by pledges of allegiance to the team, or by a Secretariat, however able. *The conditions which a system of fragmented power sets for the success and the survival of a Cabinet officer encourage him to consolidate his own nexus of power and compel him to operate with a degree of independence from the President.*

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[62] For *four* examples of the Cabinet acting as a political sounding board see: (1) Baker, *op. cit.*, VI, 487–488, 502–507; Houston, *op. cit.*, I, 241–244; Charles Seymour, *The Intimate Papers of Colonel House* (Cambridge, 1926), II, 461. (2) Hull, *op. cit.*, I, 203, II, 1057–1058; Stimson and Bundy, *op. cit.*, p. 390; Perkins, *op. cit.*, p. 377; *Hearings* on the Pearl Harbor Attack, U. S. Congress, Joint Committee for the Investigation of the Pearl Harbor Attack, 79th Congress, 2nd Session, 1946, II, 5432; Dean Albertson, *Roosevelt's Farmer*, unpublished Ph.D. Thesis, Columbia University, 1955, pp. 380–381. (3) Farley, *op. cit.*, pp. 103–107; Morgenthau, *op. cit.*, October 4, 1947, p. 21; Harold L. Ickes, *The Secret Diary of Harold L. Ickes* (New York, 1954), II, 240 ff. (4) Steele, *op. cit.*, pp. 100–103.

[63] A reading of memoir materials such as the Ickes diaries or of informed secondary accounts such as Robert Donovan, *Eisenhower: The Inside Story* (New York, 1956) makes it amply clear that the Cabinet meeting performs this intangible function regardless of the predispositions of the President involved. For a good statement of it with respect to the Truman Cabinet, see Millis, *op. cit.*, p. 280.

[64] See, for instance, Louis Koenig, "The Sale of the Tankers," in Harold Stein (ed.), *Public Administration and Policy Development* (New York, 1952), pp. 436–532; Arthur Maas, *Muddy Waters* (Cambridge, 1951), pp. 73–83; Elias Huzar, *The Purse and the Sword* (Ithaca, 1950), pp. 129–130; Orville Kile, *The Farm Bureau Through Three Decades* (Baltimore, 1948), pp. 101–102; Albertson, *op. cit.*, pp. 306, 311 ff., 378, 390, 394.

[65] See note 14, supra.

With respect to the assumptions about *hierarchy*, the individual member engages in many non-hierarchical relationships which tend to weaken his dependent subordination to the President and to foster, instead, a pattern of independent, if not insubordinate, activity. The impact of non-presidential, centrifugal influences on its members attenuates the President's control over the Cabinet as a group. With respect to *helpfulness*, insofar as the individual member's extra-Cabinet relations tend to give him an area of operating freedom, his actions may be detrimental as well as helpful to the Chief Executive. And where the group is concerned, we might well consider reversing our conventional inquiry into why the President relies on the Cabinet so little and ask, instead, why he uses it as much as he does. It is as valid to say that the President cannot live with his Cabinet as it is to say that he cannot live without it. With respect to *intimacy*, all the non-hierarchical, non-helpful tendencies mentioned are influences against intimacy. The real problem here is to discard the sentimental myth of the "official family" and make the crucial discriminations among blood relatives, kissing cousins and black sheep. Every President, no matter how predisposed he is to utilize the group as a group, will rely more heavily on some members than others and will form, inevitably, a kind of inner Cabinet. Thus an informal hidden hierarchy may in fact be created for which some of the alternative assumptions may be more applicable.

If the line of analysis being pursued here can be put in the form of a large generalization, it is this—that we ought to appreciate the relative difficulty of promoting unity and centralizing power in the face of the dispersion and volatility of power which are so evident in the American political system. More specifically, this applies to a recognition of the limits which the system places on the President in his efforts to accumulate sufficient power to exercise the unifying functions of national leadership. Most specifically, we might examine some Cabinet-oriented reform proposals with respect to executive-legislative relations and the organization of the Presidency for their tendency to dilute the power of the President. There has been a tendency to propose more centrifugal, extra-Cabinet activities for the Cabinet member (Cabinet taken from Congress, Legislative-Executive Council, Cabinet membership in Congress) on the assumption that the President can bear the strain without additional difficulty or, if pressed, can eliminate them by an act of will.[69] Suggestions have also been made that the Cabinet be given more administrative functions ("center of executive coordination," "the administrative vehicle of the government") or that it be "vitalized" and "strengthened" by the addition of new machinery (Cabinet Secretariat, sub-Cabinet policy groups) on the assumption that the President will not mind either hostaging himself to one coordinating body or having his coordinating methods rigidly prescribed for him.[70] From the point of view of his Cabinet relations, at least, the President's difficulties are more substantial than these assumptions recognize. Those who value the degree of presidential leadership which now exists in the American government should assess the assumptions and the proposals alike with considerable skepticism.

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[66] Dwight D. Eisenhower, *The Crusade in Europe* (New York, 1948), p. 75.

[67] Christian Science Monitor, January 17, 1957, p. 1; January 23, 1957, p. 1.

[68] The relation of Mitchell's views to those of the President will be found in *New York Times*, March 4, 1954, p. 12; December 9, 1954, p. 20.

[69] For example, Corwin, *op. cit.;* R. S. Baker and W. E. Dodd (eds.), *The Public Papers of Woodrow Wilson* (New York, 1925), pp. 26, 112–113, 127–129, 222; Thomas K. Finletter, *Can Representative Government Do the Job?* (New York, 1945), Chaps. 10, 11; George Galloway, *The Legislative Process* (New York, 1953), pp. 445 ff.; Charles Hyneman, *Bureaucracy in a Democracy* (New York, 1950), ch. 25; Estes Kefauver, "The Need for Better Executive-Legislative Teamwork," this REVIEW, Vol. 38 (April, 1944), pp. 317–325.

[70] For example, Marshall Dimock, *The Executive in Action* (New York, 1945), p. 242; Bradley Nash, *Staffing the Presidency,* National Planning Association pamphlet (Washington, 1952), p. ix; Edward Hobbs, *Behind the President* (Washington, 1954), pp. 214–216; Herman Miles Somers, *Presidential Agency: OWMR* (Cambridge, 1950), pp. 222–223.

POLITICAL REPRESENTATION IN METROPOLITAN AREAS*

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Unless federation and political representation are developed in metropolitan areas, compartmentalization of local government and fragmentation of public administration will continue. The unmistakable characteristics of American metropolitan areas make them easy to spot: dense populations, urban in nature; industrial and commercial resources; one or more central cities producing the mononucleated or polynucleated pattern; economic and social interconnections maintained by a daily inflow and outflow of traffic. The web of economic and social structure is, however, by no means equalled by political interconnections. The governmental services required by the people living in the area are either unresolved in their metropolitan aspects or are administered by authorities which are often autonomous and remote from coordinated control. Area-wide government to establish policy for the metropolitan population in its unanimity of need and interest is lacking. No political power is in existence to administer the metropolitan aspects of functions. Metropolitan government as such does not exist; it is a concept and possibly a tentative approach. So far, it is no more than that. Still less *in esse* is metropolitan self-government.

But it is the history of democratic political institutions that they arise in response to felt need, that they are launched and begin to orbit when man exerts his political ability to invent, adapt, and so survive. For decades it has been thought that the American metropolitan problem would be solved by annexations to central cities; by city-county consolidation through expansion of a major city to be coterminous with a county; or by the cutting off of a city from an existing county through city-county separation and consolidation. By letting the central city government push outward, obliterating other jurisdictions in its course, a powerful metropolitan city or city-county would, it was supposed, result—one which could be made representative of its inhabitants by the standard means of direct election. In an earlier era, city-counties such as Baltimore, Denver, Philadelphia, St. Louis, and San Francisco did bring a measure of unity, coherence, and continuity to the actual land areas they came to encompass. Annexations, as in Detroit, extended the central city and resulted in a metropolitan municipality which remained within the domain of Wayne County.

For lesser metropolitan areas currently in search of solution to their new needs, approaches like annexation and city-county consolidation (or separation and consolidation) may still prove workable when coupled with representative, democratic institutions. But for our colossal metropolitan regions, their central cities now ringed by potentially permanent satellite governments, neither annexation nor city-county consolidation has proved adequate. Suburban sprawl has overreached our enlarged central cities and our city-counties in the great agglomerations. Only federation of governments and the building of an upper-tier metropolitan council with legislative powers and administrative processes will suffice. Such an instrumentality has recently been developed in Dade County, Florida (1957), but it is a federated government for one county only. The establishment of a metropolitan council with greater land areas, hundreds of local units, and millions of persons has yet to be achieved.

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To bring some order out of the scatteration of local units developing here, there, and everywhere in the United States, metropolitan *authorities* have been summoned into being to meet particular, pressing needs. In the administrative sense, these authorities have been successful in such ways as developing port and transportation facilities; supplying water and sewerage systems; and promoting parks and parkways. But they have not led and are not now leading to *metropolitan government*, for many of these so-called "metropolitan" agencies are state-appointed, or state-locally selected, or even judicially designated. A high-caliber, hand-selected board operates to resolve one or more aspects of metropolitan functions; political representation of the metropolitan population is an after-thought. Government as it has been defined in the American lexicon from the time of the Boston Tea Party, whether local, state, or federal, has never lacked the idea of representation. Do the residents of our new metropolitania want to govern themselves? Or do they want to be served by authorities not politically accountable to them, and so be governed without representation?

I. IN THE REALM OF AUTHORITIES

The plain fact is that metropolitan problems of transportation, water supply and sewerage, parks and parkways, even smog, have not waited upon the political unification of metropolitan areas either through centralization or federation. Practical economic and social needs and demands can leap-frog political considerations. In the absence of indigenous metropolitan institutions, state controlled authorities spring up, as in the case of the Port of New York, the Massachusetts Metropolitan District Commission for Greater Boston, and the Hartford Metropolitan District. Regardless of the source, the job of metropolitan policy-making and administering will be done. How important, in practice as well as in theory, is the means? Need we be concerned that many of our great metropolitan authorities are not directly responsible to the populations served? Immediacy is important, but primacy may serve political man longer. The issue involves political representation as well as administrative efficiency.

In the metropolitan puzzle before us no single line of approach that fits all areas has been suggested. The plans in operation are so variable that they challenge systematic description. Furthermore, metropolitan aspects of functions are bound to multiply in many regions. One way that has been hit upon to meet such a confrontation is a series of authorities relatively unresponsible to metropolitan populations. This is not, in all candor, the way which leads to metropolitan self-government, granting that self-government may not be assumed to be everywhere the goal.

Scale of Values in Political Representation. In order to test the different trends actually in process today in and around our urban colossi, a system of values in metropolitan political representation can be postulated. With such a scale in mind, the measure of existing metropolitan solutions can be taken. Although any system of values may be arbitrary and subject to re-appraisal, one is here presented in an intentional rank order:

(1) The scale of democratic, representative values in metropolitan self-government begins with *direct election* for the members of any metropolitan board, except a limited purpose agency.
(2) Standing second in priority after direct election is *representation of constituent units.* When the constituent local units appoint metropolitan board members, or local elective officials serve *ex officio,* an indirect system of political representation exists.
(3) Next in order come the *combined systems of direct election and constituent-unit representation.*
(4) When state appointees are added to locally elected, locally appointed, or local *ex officio* members, the composition of a metropolitan board becomes a *mixed system of representation.*
(5) The result of letting local units nominate only, with actual appointment vested in a governor, is *increased state control.*
(6) With *straight state appointment,* accountability of a metropolitan board to the metropolitan population becomes remote; state "control" is paramount.
(7) Seriously limiting in its effect upon metropolitan accountability and obviously imposing upon the judge a non-judicial duty is the arrangement of *judicial appointment* of board members.
(8) Lowest on the scale of metropolitan self-government stands the *representation of economic associations* either through authorization to nominate or to appoint the members of metropolitan boards.

Manifold degrees of representation appear in the realm of authorities. Seldom have they been conceived in conscious relation to any concept of metropolitan self-government. Direct election and constituent-unit representation are by no means dominant. Rather, such methods as state-local appointments, gubernatorial appointments, and judicial selection are more often used to designate the board members.

The complex situation that prevails in *ad hoc* authorities can be variously illustrated. Direct election is used for the Metropolitan Sanitary District of Greater Chicago and the East Bay Municipal Utility District (Oakland, California). In the Metropolitan Water District of Southern California, the Bay Area Air Pollution Control District, and the San Francisco Bay Area Rapid Transit District, constituent-unit representation is employed. State-local appointment, shared by the Governor of Illinois and the Mayor of Chicago, is the rule in the Chicago Transit Authority and the Chicago Regional Port District. Governors appoint the members of such bodies as the Massachusetts Metropolitan District Commission, the Hartford (Connecticut) Metropolitan District, the Port of New York Authority, and the Bi-State Development Agency (St. Louis). The Cleveland Metropolitan Park District Commissioners are designated by the probate judge of Cuyahoga County. The members of the Board of Commissioners of the Port of New Orleans are appointed by the Governor of Louisiana from nominees made by economic associations.

From metropolitan authorities such as these, no master pattern of political representation and responsibility can be drawn. There are, in addition, operating conditions like delegations of power, staggered terms for board members, and restrictions on removal, which can, when combined with state centralization of appointments, pretty completely vitiate any tradition of accountability to metropolitan populations.

Local Representation. Among the large metropolitan authorities, direct election of the board members is used by a small minority of them. The ballot box may be the way to set up federated metropolitan *councils*, but it is a questionable device for constituting limited-purpose boards for authorities. Like the long ballot for electing administrative officers, a long ballot for electing within one area separate authority boards may baffle and overburden the voters.

Although direct election produces a high-caliber board from the East Bay Municipal Utility District, re-election of incumbents has been common. Significant contests for the board are conspicuous by their absence. In the Metropolitan Sanitary District of Greater Chicago, to take another example, the elections are partisan and timed to coincide with biennial Cook County elections, the District board members having 6-year terms. Direct election of limited-purpose boards has not, in any case, proved common. And, if a number of authority boards within one metropolitan circumference were made elective, the overworked voter would likely become the victim of a new syndrome eventuating in combat fatigue.

More promising for obtaining representation in metropolitan authorities is the use of constituent units of local government. One precedent for such an indirect system of representation is the London Metropolitan Water Board, established in 1902. The governing bodies of the local units comprised within this English authority's area appoint the members of the Water Board from among or outside their own membership. California turned in the same direction in 1928 in creating the Metropolitan Water District of Southern California. Inside this American regional authority, certain local units have been pyramided into water districts which, in turn, send representatives to the Metropolitan Water District Board. Representation is related to valuation; in 1956, 37 members of the Board possessed 966 multiple votes, one such vote for each **ten** million dollars of assessed valuation. Los Angeles with 7 directors cast 350 votes.

California recently made further use of constituent-unit representation in organizing its Bay Area Air Pollution Control District (1956). There each county board can designate a supervisor as a member and the mayors of cities in a county form a "selection committee" to appoint a mayor or councilman as a representative. When the San Francisco Rapid Transit District was developed in 1957, constituent-unit representation was varied in two respects from the Air Pollution Control model. Some weight was accorded to population, and the appointing bodies were not confined to choosing their appointees from among existing local officers.

An experiment in constituent-unit representation that looks promising was made possible in the State of Washington by the Metropolitan Municipal Corporations Law in 1957. Open-ended metropolitan councils were provided for, to perform one or more metropolitan functions. The representative formula recognizes component counties, unincorporated areas of counties, the central city, and satellite cities. This system emphasizes by law the selection of county board members, mayors and councilmen, with a view to close liaison between the local units and the metropolitan council. The centrifugal and centripetal political forces in metropolitan areas need the kind of treatment implicit in Washington's law, although the restriction of metro council members so predominantly to existing local officers seems unwarranted.

Constituent-unit representation is a compromise which augurs well by providing authorities with indirect metropolitan political representation. Apart from the example of the Metropolitan Water District of Southern California, American experience with this device for great metropolitan authorities is new. It has advantages in permitting the rapid establishment of a seasoned board or council; in promoting liaison between local units and an authority; and in avoiding the long ballot.

State Centralization. State appointment of authority boards with power vested in the governor has been a frequent recourse in trying to solve the metropolitan dilemma. Gubernatorial appointment is neither nonrepresentative nor misrepresentative, but it is not metropolitan self-government. Rather than seek to rationalize state centralization as a form of "representation," it is better to recognize that empirical conditions create a thrust to state appointment of authority boards. This kind of topside control grows out of divergent circumstances: interstate operations, for instance; uni-purpose or multi-purpose agencies where there is, or is alleged to be, no wieldy or practical constituency; enterprises which are financed by charges; intrastate districts within states which are becoming state-wide metropolitan areas; and administrative needs for insulation from local "politics" (as used in the pejorative sense). There being no prefabricated, locally representative metropolitan corpus to turn to, gubernatorial selection of board members has been authorized by state legislative acts. Yet, the actions of a governor in appointing metropolitan authority boards are only indirectly and tangentially subject to control at the polls.

Maximum conditions prompting state control appeared in the inception of the Port of New York Authority by interstate compact in 1921. Here was an authority predicated on interstate operation; no obvious, available constituency to hand; entrepreneurial activities to be managed; and urgently required, a high degree of administrative autonomy. A federated plan was considered, but put aside for a bi-state agency in which state "control" was deemed essential. The result was to lodge with the governors of New York and New Jersey the appointment of commissioners. Since its creation, the phenomenal success of the Port of New York Authority has made it a prototype for other agencies such as Bi-State Development Agency (St. Louis area, 1949). Although structured similarly in terms of gubernatorial appointment, Bi-State has, for a variety of reasons, developed little in the way of metropolitan functions.

More recently the P.N.Y.A. apparently served as a model when political representation was planned for the proposed Mo-Kan Agency, which was to handle metropolitan aspects of multiple functions in the Kansas City region. Although enacted by Kansas (1957), no interstate compact has come about because Missouri failed to pass a parallel statute. Satisfactory as the P.N.Y.A. system of political representation has proved in relation to the purposes for which it was designed, it does not thereby become the appropriate model for authorities dissimilar in function. The proposed Mo-Kan Agency was, for example, planned to be multi-functional and to deal with virtually all metropolitan aspects of the area's administration.

The breaching of metropolitan self-government is not limited to interstate authorities. Most commonly it occurs in the simple process of setting up an intrastate district responsible to the governor. There are two well-known, state controlled, intrastate districts. The Massachusetts Metropolitan District Commission for Greater Boston was formed in 1919 from a merger of previously existing Districts dealing with sewerage, parks, and water supply. The Metropolitan District (Greater Hartford) was established by Connectiuct in 1929 and operates two major functions: water and sewer service. Over the years, proposals for a federated metropolitan government for Greater Boston have been shelved by the legislature of Massachusetts, and the governor continues to appoint the five commissioners. For the Metropolitan District (Hartford), the Governor of Connecticut appoints fifteen commissioners at large and seven from local units. An option permitting the voters in the district to petition for direct election of commissioners has never been exercised; the metropolitan voters have acquiesced in gubernatorial appointment.

The approach through authorities, variously constituted and appointed, was dominant in metro solutions during the first half of the twentieth century. Governors, it has been seen, can be relied on to find high-grade board members. Efficient administration of a particular function or functions can be achieved. Insulation can be provided against local "politics." And continuity in program can be fostered. Empirical reasons such as the failure to establish federated, metropolitan councils promote state centralization. In the no-man's-land where federated metropolitan governments are non-existent, more authorities may be created by state legislatures, state-oriented and autonomous, in varying degrees.

State-Local Selection. Splitting the appointive authority between state and local officials is aimed to secure both state and local appointees for the board of a metropolitan agency. The Chicago Transit Authority is illustrative: the Governor of Illinois appoints three members of the Board, subject to state senate confirmation and consent of the Mayor of Chicago. The mayor appoints four, subject to council approval and consent of the governor. All commissioners of the Authority must be residents of the metropolitan area and of recognized business ability. Terms are for seven years, overlapping. A similar system is used for the Board of the Chicago Regional Port District, the governor being authorized to designate five and the mayor four members. A split system of a different type is the Albany (New York) Port District, where the Mayor of Albany nominates four commissioners and the Mayor of Rensselaer one. The Governor of New York makes the appointments, and he may disapprove any nomination presented, in which case the respective mayor may propose another nominee.

Whether actual accountability to the metropolitan community is achieved by state-local appointment any more than by straight state appointment is a real issue. In split state-local systems, as in state appointments, the powers of the authority, the overlapping tenure of board members, and restrictions on removal lead to autonomy without regard to metropolitan self-government. State-local appointments constitute a straddle between state and local control of metropolitan authorities rather than any conscious effort to build a system of over-all metropolitan government.

American experimentation with the design of authority boards has centered on the conflict between metropolitan political representation as evinced through direct election or constituent-unit appointments, and state control as reflected in gubernatorial appointment. Split level systems sidestep the basic issue.

Other Systems of Selection. Judges and economic associations sometimes play a part in appointing metropolitan boards. Ohio uses judicial appointment for the board members of metropolitan park districts in such areas as Cleveland, Cincinnati, and Akron. For the Cleveland Metropolitan Park District, which includes Cuyahoga County and part of Medina County, the three commissioners are appointed by the Probate Judge of Cuyahoga for three-year overlapping terms. In the case of Cincinnati, the park district is coterminous with Hamilton County. Under an Ohio law dating from 1917, such metropolitan park districts are authorized a general tax levy up to .5 mills, but must submit their requests to the county budget commission, the park rate being subject to over-all property tax limitations. Additional property tax levies must be submitted to the district voters for approval.

The caliber of park commissioners appears to be high and the interest of the public in tax limits has been safe-guarded. But successful as judicial appointment may have been in certain places in Ohio, the spread of it would create the bizarre situation in which metropolitan administration would be a responsibility of the judiciary. Judges thereby become involved in a non-judicial duty, and responsibility of metropolitan park commissioners to the populations served is politically indirect and remote.

Utilization of economic associations to nominate Commissioners of the Port of New Orleans was first authorized in 1940 by an amendment to the Constitution of Louisiana. Modified by another amendment in 1954, the system today authorizes seven economic associations, such as the Cotton Exchange and the Steamship Association, to make fourteen nominations in all for each vacancy on the five-member Board of Commissioners. The presidents of the nominating bodies reduce the fourteen nominees to three, and the Governor of Louisiana appoints one. The Board is a state agency administering the port on behalf of the state and metropolitan area, but the process of nomination, appointment, and removal walls it off from direct political obligation to the metropolitan community. Although this kind of economic representation may be valuable for certain port authorities, it could be applied only with great difficulty to different types of authorities, and its validity would be dubious. Certain economic associations have a common interest in port facilities, but it would be hard to muster a roster of such groups with a like interest in the administration, for example, of a metropolitan park or sewer district. Moreover, there is always the over-riding political issue of the representation of public rather than private interests.

Conclusions on Authorities. Most metropolitan authorities tend to autonomy, an end for which they are often deliberately designed. If it is not possible in metropolitan areas to create *locally* responsible, *ad hoc* commissions, authorizing the governor to appoint and remove commissioners is one of the most acceptable kinds of "representative" action, apart from metropolitan self-government. But on the scale of metropolitan democracy, this is inferior to direct election of, or constituent-unit representation on, multi-purpose authorities. Constituent-unit representation, now gaining greater recognition, offers a compromise between direct election and state centralization.

Most metro authorities, because they incline to be autonomous, are distinct from federated metro governments. Few of them fulfill the concept of metropolitan self-government which underlies federalism. Getting on with the job of administration has usually taken precedence over metropolitan political representation. Expedient as conditions may make it to place an authority under state "control" rather than under metropolitan accountability, the result is that metropolitan government, in the general sense, is in abeyance.

II. METROPOLITAN FEDERATIONS

Since the development of a metropolitan corpus is unlikely to accrue from the accumulation of *ad hoc* authorities, the creation of such an instrumentality must be sought in other ways. Federated metropolitan government offers many advantages. In the proliferation of American metropolitan regions, service needs become increasingly multi-functional: transportation, water supply, sewer service, parks and parkways, smog control, for example. Moreover, policy matters in regulating comprehensive planning and zoning, standards of service, and financing of the metropolitan aspects of functions take the front and center of the stage. Federation leaves local units to continue in being for local purposes, but assigns to an upper-tier council metro policy and administration. Since there are upper and lower-tier problems of policy and service inherent in the metro situation, federation is politically feasible and structurally realistic.

Single-shot authorities, however efficient, splinter public administration. Although specific objectives in metropolitan integration may be accomplished by a series of specialized attacks, the region as a whole will still be minus a governing body. In metropolitan federation lies the possibility that the areas and the people who are finding themselves progressively interwoven may ultimately have a governing council standing for them as an integer in the governmental equation. In other words, there will be a corporate entity sub-state and supra-local. Such a council must embrace the power of metropolitan decision-making. It must directly administer (or supervise the administration of) metropolitan aspects of functions. Without such a unifying force, fragmentary local units and limited-purpose authorities will lend themselves to decentralization and disintegration of the metropolitan nexus.

Essential to a federated, metropolitan government is an upper-tier council to act as a legislative body and to be responsible for the administration of metropolitan aspects of functions. Within the federation, the local units of government continue as representative bodies to legislate and to administer local matters not transferred to the upper-tier council. The result is federated metropolitan self-government.

Examples of Metropolitan Federation. The London County Council, encompassing twenty-eight metropolitan boroughs and the City of London, is an early example of federation, dating from the late nineteenth century. Its system of political representation for both the upper and lower tiers is directly tied to the ballot box. Division of functions exists between the levels, although it is not always an exclusive one, being sometimes a separation of the general and local aspects of concurrent functions. Both levels engage in public housing, for example. The unicameral council of the federated county consists of 126 councillors (three from each of forty-two districts) elected as a bloc every three years, and of twenty-one aldermen selected by the councillors. The aldermen hold office for six years, approximately half their number retiring every three years. The twenty-eight metropolitan boroughs within the federated government also have elected councillors and selected aldermen. From the federated County of London American metro-areas can learn much about the two-tier principle; the division of functions; the system of political representation directly related to the voters; the role of political parties; and the neutrality of the civil servants.

The London County Council, however, has its limitations. Neither in area nor population does it encompass all of metropolitan London. The land area covers only 117 square miles and the population in 1951 stood at 3.35 millions. In the same year, the Metropolitan Police District, which is considered to be Greater London, took in 721 square miles and 8.35 millions. Water supply and port facilities of Greater London are under the jurisdiction of *ad hoc* authorities; police administration is lodged with the central government. The LCC within its confines, however, brings under one roof responsibility for definite services. It is an agency of local self-government. As a federated agency it permits division of labor. The warning present is that even a federated government like a city-county consolidation, can be outrun in metropolitan sprawl by the population. In building American metropolitan federations imagination is needed as to area and population.

In the Toronto Metropolitan Corporation, organized by an Act (1953) of the Province of Ontario, Canada, Toronto and twelve satellite municipalities were merged under a metropolitan council of ex-officio representatives of the constituent units. On this council, the City of Toronto is represented by its mayor, by the two of the four elective controllers receiving the highest vote, and by the one of the two councilmen receiving the highest vote in each of the city's nine wards, for a total of twelve members. The twelve suburban communities are represented on the metropolitan council by the chairmen of their respective local councils. The chairman of the metropolitan council is selected by the council itself from within or without its membership. Annual elections are held in the municipalities, so the membership of the metropolitan council is renewed once a year. The upper-tier council is therefore composed of *ex officio*, constituent-unit representatives. Yet, these metropolitan council members have risen to the challenge of developing an effective metropolitan corporation. The formation of the federation by provincial law was considered a middle course between annexation of the satellites to Toronto and the *status quo*.

Much can be gleaned from Toronto's experience as to the advantages of federating a metropolitan area; of allocating functions (or aspects of functions) to upper and lower tiers; and of using constituent units as a basis for *ex officio* representation. The Metropolitan Toronto Act led to an energetic council dealing with over-all aspects of public works and utilities, policing, and other services. It established a corporate body—a general unit of metropolitan government responsible to the voters through constituent-unit representation. Its life history is short, to be sure, and much of its success has been attributed to the personal efforts of the chairman of the metropolitan council. Metroplitan Toronto demonstrates that a general unit of government, as distinct from a series of authorities, can create metropolitan policy and administration. Here is a case example of what can be done by a metropolitan governing body—a representative council which integrates the metropolitan aspects of functions.

In the United States, the Miami metropolitan area succeeded in 1957 in establishing a representative federated government, although efforts to this end had met with failure in other American regions. A county was used as the upper tier of the metropolis, with the constituent local units continuing as the lower tier. Power was allocated to Dade County, under a state constitutional amendment, to deal with metropolitan and urban problems. The device for setting the system in motion was a county-home-rule charter adopted at a county-wide referendum. In allocating political representation, the area principle was retained, and direct election of the county commissioners was prescribed. The home-rule charter called for a relatively small county board with an appointed manager to head the administrative hierarchy. Many metropolitan operations were authorized for the Dade County Commissioners, including terminals for major systems of transportation; expressways; integrated water, sewerage, and drainage systems; housing and slum clearance; park and recreational facilities; and uniform fire and police protection. Broad home-rule powers prepared the way for many metropolitan functions under the upper-tier county commission and for metropolitan ordinance-making.

Political representation in the Dade County federation was based on direct election for both upper and lower tiers of government. The charter (1957) provided for the retention of five existing districts for the election of county commissioners, with authority vested in the county board itself to change district boundaries by ordinance. After a period of transition the county board will be composed of eleven members: each of the five districts will elect one commissioner; five other commissioners will be elected at large but as residents of each district; each municipality of over 60,000 (currently only Miami) will elect one commissioner. Metropolitan self-government is evidenced by direct election of the upper-tier council and of the councils of the constituent municipalities. Only after extensive debate in the Metropolitan Charter Board which formulated the federated plan was the compromise between district election and election at large reached. As demonstrated by the minutes of the Board, choice of a system of representation for a particular area is, if an indigenous plan is to be reached, peculiarly the responsibility of a local charter commission. Significant as the Dade County experiment may prove to be, however, it represents a federation only of the municipalities within a single county. On the grand scale a metropolitan council spanning multiple counties has yet to be achieved in the United States. And such a metropolitan council is bound to give rise to more complex issues of political representation.

Proposals for Federation. Since the 1920's various schemes for American federated metropolitan governments have been made, though only the Dade County plan came to fruition. Earlier proposals likewise provided for a directly elected metropolitan council, as in Alameda County (California); San Francisco and San Mateo counties; and Allegheny County (Pennsylvania). Two of these plans were actually submitted to referenda but were not adopted: Alameda in 1921, and Allegheny in 1929. On the other hand, a legislative bill (1931), designed to federate the Boston area, provided for a governing council of 100 to 120 members drawn from constituents units and made up of mayors and selectmen serving *ex officio*. This Boston scheme, which was not enacted, would have run counter to the emphasis in other American federated plans for a relatively small upper-tier council directly elected by the voters.

More characteristic of federated proposals in the United States is the recommendation of a metropolitan government for the City of St. Louis and St. Louis County (1957). For political representation, the St. Louis Metropolitan Survey suggested a metropolitan council designed as follows: three members elected at large and three by districts in the City; three elected at large and three by districts in the County; one appointed by the Mayor; and one appointed by the County Supervisor. For the executive branch, a president elected at large and assisted by an appointed director of administration was indicated as a first preference. In its emphasis upon direct election of most of the metropolitan council members, the St. Louis survey report followed the tradition of American proposals for federation. However, the concept of adding two appointed representatives (one from the City and one from the County) reflected the growing interest in the United States in constituent-unit representation. The preferred recommendation for an elected president, assisted by a chief administrative officer, demonstrated the impact of the strong-mayor-administrator developments in some of our great cities.

A general formula for federated metropolitan councils, advanced by Luther Gulick in *Metro* (1957), advocated the creation of such bodies below the state level to serve as sub-legislative instrumentalities.[1] These councils would also administer metropolitan aspects of functions or establish authorities under their supervision for the specified purposes. Most of the existing activities of local governments could continue. Necessarily, some metropolitan councils might be interstate in character and therefore might stem from interstate compacts. For upper-tier councils, *Metro* recommended direct election by districts or at large, or *ex officio* members such as city mayors and county commissioners. Wherever metropolitan councils are vested with legislative as well as administrative responsibilities, the members need to be representatives of the areas served rather than hand-picked experts.

III. IN SUMMARY

Both principle and practice support the use of a representative system for the upper-tier councils of federated governments. The underlying premise is to develop, within the basic philosophy of local self-government, *metropolitan government.* The objective is to apply this principle in solving the fast-multiplying problems of the metropolitan agglomeration. Failure to follow this premise to its logical conclusion leads in the direction of administrative solutions without consideration for representative government. The obstacles to metropolitan self-government are many, legally and politically speaking. Legislation, and often constitutional amendments, must be developed within the American states. Local units of governments and existing authorities constitute a *status quo.* It is difficult to move from local governments to local governments federated within metropolitan government. But the London County Council, Metropolitan Toronto, and Dade County indicate that federation can be achieved.

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[1] Luther Gulick, *Metro: Changing Problems and Lines of Attack* (Washington, D. C.: Governmental Affairs Institute, 1957), pp. 26–28.

Metropolitan *authorities* perform a useful service in integrating functions of areas larger than local units, but do not generally amount to metropolitan self-government. For authorities, the objective is often autonomy, regardless of the method of selection; and self-government is an after-thought so far as political accountability to the areas served is or is not present. For authorities, constituent-unit representation affords an indirect political process; it avoids the long ballot and state centralization. Failing this, the thrust is to gubernatorial appointment, and state executives then will determine the "representative" character of metropolitan authorities.

Federation offers the possibility that areas and people comprising a metropolitan region may ultimately have a council representative of them, directly or indirectly chosen by them. To such an upper-tier council falls the task of metropolitan politics, policy, and administration of various aspects of functions. Without the organization of such a metropolitan front and without political leadership for it, decentralized local units and limited-purpose authorities will continue to dominate the American metro-way of life. Signs point to the crucial importance for American public administration as a whole of the 170-odd metropolitan areas dotting the map. Their ultimate system of government, as designed and evolved, is one of our critical issues.

POWER, PRINCIPLE, AND THE DOCTRINE OF THE *MOUVEMENT RÉPUBLICAIN POPULAIRE*

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The French political scientist Jean-Jacques Chevallier tells of a young writer who was explaining his ideas to Maurice Barrès. "I understand your ideas well enough," declared Barrès, "but *your thirst?*" That is, what is the fundamental idea, the guiding passion, which has led you to express yourself in this way, and which will explain the inner meaning and coherence of your ideas?[1] The fundamental desire of Machiavelli in writing the *Prince* was the unification of Italy. A passion for popular government was the guiding idea behind the *Social Contract* of Rousseau. The "thirst" of the *Mouvement Républicain Populaire* during the first three years of its existence consisted of two incompatible aims, namely, a desire to spread the ideals of Christian Democracy and a desire for immediate electoral success.

The clash between these two aims first occurred in 1944 when a group of leaders of the Resistance to Vichy and the German occupation seized an opportunity to organize a Christian Democratic party, the M.R.P. The conflict continued throughout 1945 and 1946 when the Provisional Government of General Charles de Gaulle and the two constituent assemblies successively governed France. During this period, the M.R.P. achieved its greatest electoral triumphs.[2] At the same time, the incompatibility of its two guiding ideas became apparent. On the one hand, the successful propagation of Christian Democratic

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* A Fulbright Scholarship to France, 1951–52, made possible this study of the M.R.P,

[1] Jean-Jacques Chevallier, *Les grandes oeuvres politiques de Machiavel à nos jours*. Paris, Librairie Armand Colin, 1950, p. 88. The author is responsible for all translations in this essay.

[2] On the history of the M.R.P. see: Mario Einaudi and François Goguel, *Christian Democracy in Italy and France* (Notre Dame, Indiana, 1952); Charles N. Micaud, "The Politics of the French Catholics in the IV Republic," in *Church and Society, Catholic Social and Political Thought and Movements, 1789–1950*, Joseph N. Moody, ed. (N.Y., Arts, Inc., 1953); Robert F. Byrnes, "The Christian Democrats in Modern France," in *Modern France*, Edward Meade Earle, ed. (Princeton, 1951); Jacques Fauvet, *Les forces politiques en France*, 2nd ed. (Paris, Editions "Le Monde," 1951); Paul Marabuto, *Les partis politiques et les mouvements sociaux sous la IV^e^ République* (Paris, Librairie du Recueil Sirey, 1948); Maurice Vaussard, *Histoire de la Démocratie Chrétienne*, Vol. 1 (Paris, Aux Editions du Seuil, 1956); Louis Biton, *La Démocratie Chrétienne dans la Politique Française* (Angers, H. Siraudeau et Cie, 1954); Joseph Hours, "Les chrétiens dans la politique: l'Expérience du M.R.P.," *La Vie Intellectuelle*, 5 (May, 1948), pp. 62–77.

The percentages of the popular vote which the M.R.P. and its closest competitor, the Communist Party, received in the three elections of 1945 and 1946 follow (figures from Jacques Fauvet, *op. cit.*, pp. 36, 180):

	Oct. 21, 1945	*June 2, 1946*	*Nov. 10, 1946*
M.R.P:	24.9	28.1	26.4
Communists:	26.5	26.2	28.6

principles required devotion and obedience to them. By teaching and by example Popular Republicans had to demonstrate the superiority of their way of life. On the other hand, immediate electoral success necessitated concessions to other opinions and a measure of opportunism in dealing with the leaders of other parties.

The conflict between these two aims appears in two interpretations of history, which oriented the early doctrine of the M.R.P. in different directions. One interpretation may be called argumentative or romantic because it is essentially a vindication of the Popular Republicans' claim to power. This account resembles the 18th century social contract theories in being a rationalization of history to justify an ideal. Its effect on M.R.P. doctrine was to produce strains of nationalism and dogmatism incompatible with the ideals and methodology of Christian Democracy. The other interpretation of history may be called expository or rational because it attempts to give a non-justificatory explanation of events. The principles of Christian Democracy demanded that Popular Republicans take account of the probable effects of their ideas on society in formulating a doctrine which might promote a Christian Democratic idea of pluralism. The expository account led to clear and compelling assessments of the likely effects of the Popular Republicans' programs and tactics.

I

The conflict between power and principle was a product of the Popular Republicans' reaction to two periods in their lives. First, as members of various Catholic youth and Christian Democratic associations, Popular Republicans had assimilated Christian Democratic outlooks and ideas. Then, as leaders in the Resistance they had acquired a sense of destiny which inspired them to organize the M.R.P. for the purpose of gaining political power.

Before the war most of the Popular Republican leaders had achieved distinction in associations within the Christian Democratic movement. For example, Marc Sangnier, the first honorary president of the M.R.P., had headed an apostolic youth organization known as the *Sillon*. Henri Teitgen, the party's chief exponent of liberty of education, was formerly an editor of a large Christian Democratic paper in Brittany.[3] Francisque Gay, who served as the party's representative in several post-war ministries, had in 1932 helped to found the paper *l'aube* which, after 1944, became the Paris daily of the M.R.P. Many of the younger leaders of the party, for example, Maurice Schumann, Georges Bidault, Robert Lecourt, François de Menthon, Jean Letourneau, André Colin, and Fernand Bouxom, had belonged to Catholic and Christian Democratic youth organizations such as the *Action Catholique des Jeunesses Françaises* and the *Jeune République*. Georges Bidault, Pierre-Henri Teitgen, Georges Hourdin, and others had been members of a small pre-war Christian Democratic party, the *Parti Démocrat Populaire*. A few Popular Republicans, such as Marcel

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[3] This paper, *l'Ouest-Eclair*, was renamed *Ouest-France* in 1944, at which time it became the largest daily in the provinces for publicizing the ideas of the M.R.P. *Origines et Mission du M.R.P.*, Paris, les Cahiers de Formation Politique (M.R.P.), 1951, p. 15.

Poimboeuf, Paul Bacon, and Robert Prigent, had been active in Christian trades unions.[4]

The Christian Democratic movement was largely uncoordinated. To some extent the theories and aims of its members conflicted. Frequently the activities of Christian Democratic associations displayed strains of nationalism and dogmatism similar to those which later appeared in the doctrine of the M.R.P. Nevertheless, the movement possessed a common fund of ideas. All Christian Democrats believed in a neo-Thomistic theory of man and society and shared a long-range desire to reconcile the Church and the Enlightenment, whose paths had diverged since the Revolution of 1789. Christian Democrats believed that one of the requisites for this reconciliation was a peaceful replacement of the capitalistic economy with a system based on the private ownership and the public management of property. Another condition, they declared, was the attainment of a pluralistic society. Pluralism implied a decentralized social order based on a recognition of individual and group rights which would assure to each person the means of pursuing the activities of his choice within associations whose basic philosophy corresponded to his outlook on life.

Before the war Christian Democracy had played a minor part in political life. In the 19th century Ultramontanes and Revolutionists, Monarchists and Republicans had resisted reconciliation. Loss of clerical support, excommunication, or legal restrictions had faced the early advocates of Christian Democracy when they attempted to modify the privileges and traditions of the forces on the right. Charges of clericalism and faithlessness to the aims and traditions of the Revolution, the working classes, and the nation awaited Christian Democrats if they opposed the ideas and programs of men on the left. In the last decade of the century Pope Leo XIII aided the dissemination of Christian Democratic ideas by calling on French Catholics to accept the Republic. During the first decade of the twentieth century controversy over the separation of Church and state for a time increased the bitterness between left and right, but in the long run it freed the clergy from political connections which had lent substance to the charge of clericalism. The patriotism of French Catholics during the First World War gave further evidence of a reconciliation between them and the nation and led Marc Sangnier to declare that anticlericalism as a political force was dead.[5] Sangnier was overly optimistic. Between the two world wars the anti-semitic, authoritarian, and neo-Catholic *Action Française* aroused suspicions on the left concerning the motives of all Catholics. Although the Pope condemned the *Action Française*, the increasing division of opinion into two blocs as a result of the economic crises of the 1930's, the rise of Hitler to power in Germany, and the fear of Socialism hindered Christian Democrats, who were centrist by doctrine and temperament, from attracting large popular support for political action.[6] In 1935 the largest Christian Democratic party group in the Chamber of Deputies, the P.D.P., included only 16 members.[7]

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[4] On the Christian Democratic activities of Popular Republicans before 1940 see the following: Gordon Wright, *The Reshaping of French Democracy* (New York, 1948), pp. 74–75, 114–15; Henri Michel, *Histoire de la Résistance* [Editions: Que Sais-je?] (Paris, Presses Universitaires de France, 1950), pp. 46–47; *Journal Officiel de la République Française, Débats Parlementaires de la Chambre des Députes* (Session of June 4, 1935), p. 1782, (Session of July 10, 1940), pp. 6–8; *Dictionnaire Biographique Français Contemporain*, 2nd ed. (Paris, Agence Internationale de Documentation Contemporaine, 1954–55), *passim; Vers une démocratie nouvelle* (Paris, Société d'Editions Républicaines Populaires, 1947), p. 28; *Origines et mission du M.R.P.*, pp. 15, 19–20; *l'aube*, nos. 2596–2601 (Apr. 24–29 incl., 1945), p. 1 (for all issues); 2746 (Oct. 14–15, 1945), p. 1; 2952 (June 14, 1946), p. 1; 2983 (July 19, 1946), p. 1; Jacques Fauvet, *op. cit.*, p. 167; Paul Marabuto, *op. cit.*, pp. 63–64, 69, 76, 324–25.

[5] Marc Sangnier, *Autrefois* (Paris, Bloud & Gay, 1936), p. 192.

The war, the Resistance, and the Liberation gave Christian Democrats an opportunity to engage in large scale political activity. Immediately after the Armistice of 1940 many Christian Democrats, most of them young, entered the Resistance and joined forces with Socialists, Communists, and men of other political persuasions in an attempt to liberate France. Some Christian Democrats helped to found important Resistance organizations. Others printed and distributed subversive propaganda. Some joined de Gaulle in London or Algiers and rose to positions of importance on his staff. Georges Bidault became the second president of the *Conseil National de la Résistance*, which was the titular head of the Resistance movement within France.[8] Before the end of the war these men realized that if the allied armies were victorious, the future of France could rest in the hands of the Resistants. Consequently, they began to lay plans for a postwar association which would be open to all Frenchmen (except collaborators with the Germans) and devoted to the achievement of Christian Democratic ideals. They called this association the *Mouvement Républicain de la Libération*. In a Manifesto they declared that "the time has come to think of maintaining and prolonging this common fraternity of the struggle.

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[6] On the history of Christian Democrats and their predecessors see especially the following: Jean-Baptiste Duroselle, *Les débuts du catholicisme social en France (1822–1870)* (Paris, Presses Universitaires de France, 1951); Henri Rollet, *L'action sociale des catholiques en France* (1871–1901) (Paris, Editions Contemporaines, 1947); Adrien Dansette, *Histoire Religieuse de la France Contemporaine*, 2 vols. (Paris, Flammarion, 1948–51); Maurice Vaussard, *op. cit.;* Joseph Hours, "Les origines d'une tradition politique: La formation en France de la doctrine de la démocratie chrétienne et des pouvoirs intermédiaires," in *Libéralisme, traditionalisme, décentralisation*, no. 31 in Cahiers de la Fondation Nationale des Sciences Politiques (Paris, Librairie Armand Colin, 1952); Louis Biton, *op. cit.* For a critical account of Christian Democracy from the point of view of a member of the Catholic right, see Robert Havard de la Montagne, *Histoire de la démocratie chrétienne de Lamennais à Georges Bidault* (Paris, Amiot & Dumont, 1948.)

[7] The figure includes four Christian Democratic deputies who were allied with the party group of the P.D.P. in the Chamber. *Journal Officiel de la République Française, Débats Parlementaires de la Chambre des Députes* (Session of June 4, 1935), p. 1782.

[8] On the Resistance activities of Popular Republicans see the following: *L'Année politique, 1944–45* (Paris, Editions du Grand Siècle, 1945), pp. 7, 9; Jean Cayeux, *Le M.R.P. sans de Gaulle* (Paris, Editions du Mail, 1946), p. 35; *Le M.R.P., parti de la IV^e République* (Paris, M.R.P., 1945), pp. 1–3; *Origines et mission du M.R.P.*, p. 26; *Vers une démocratie nouvelle*, p. 29; *Ouest-France*, no. 679 (Nov. 5, 1946), p. 3; *l'aube*, nos. 2596–2601 (Apr. 24–29 incl., 1945), p. 1 (for all issues), 2746 (Oct. 14–15, 1945), p. 1; Henri Michel, *op. cit.*, pp. 17, 19, 29–31, 45–47, 54, 59, 62, 86; Gordon Wright, *op. cit.*, pp. 27–50.

. . . This is the mission of youth, of the new forces which are capable of breaking with the routines of the past."[9]

The Manifesto of the M.R.L. expressed the Resistants' confidence in their unity and their faith in the future; but it also contained two implications contrary to the basic theories of Christian Democracy. In the first place, the Manifesto spoke as though "prolonging this common fraternity of the struggle" would cause Frenchmen soon to abandon their old doctrines and practices and to achieve a reconciliation of the Church and the Revolution. But nothing in theories of Christian Democracy indicates that that goal could be speedily attained. In the second place, the Manifesto implied that the will of the Resistants was identical with the will of the nation and that therefore the Resistants had a right to monopolize political power. But Christian Democratic theory opposes the notion that the activities of a few may express the ideas of their opponents. The ideal of pluralism specifies that in a civilized country such as France all of the people, acting through voluntary associations, and not just a few, should participate in deciding fundamental questions of public policy.

Nevertheless, the M.R.P., which superseded the M.R.L., accepted these implications under circumstances which raise a suspicion that an unprincipled desire for votes was mixed with the patriotism of these Christian Democratic Resistance leaders. In the autumn of 1944, when the formal reorganization of the M.R.L. as the M.R.P. occurred,[10] the reappearance of the Socialist, Communist, and other parties testified to the permanence of the cleavages which divided France. Clearly, the supposition that the Resistance had been a Christian experience was false. Hatred of Germany had been the principal bond of union among the Resistants.[11] But the Popular Republicans maintained the fiction that the Resistants had achieved unity on the basis of Christian aims and methods. Popular Republicans wove the fiction into an argumentative interpretation of history which declared that history, and particularly the recent events of the war and the Liberation, proved that the Resistants represented the nation and that the M.R.P. represented the desires of the Resistants. Therefore, they declared, the M.R.P. should share in governing France. They used their argumentative interpretation of history to combat the charge of clericalism which the Radicals, the Socialists, and the Communists hurled at the M.R.P. Popular Republicans asserted that the M.R.P. had no connection with the Church or with any pre-war clerical party but was a new force, "an offspring of struggle, of the Resistance, of the Liberation."[12] Furthermore, the argumentative account was calculated to appeal to the opponents of Marxism, who feared that the Communists and the Socialists might monopolize the Resistance and benefit from its popularity. The argumentative interpretation placed Communism and Socialism among the forces which were responsible for the defeat of France in 1940 and equated the ideals of the Resistance with Christian Democratic doctrine.

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[9] Quoted in *Origines et mission du M.R.P.*, p. 26.

[10] The best account of the founding of the M.R.P. is in Mario Einaudi and François Goguel, *op. cit.*, pp. 116–22. Other accounts, which give some additional information, include Jean Marie Domenach, *Gilbert Dru, Celui Qui Croyait au Ciel* (Paris, Elf, 1947) *passim*, and Gordon Wright, *op. cit.*, pp. 64–78. Accounts by Popular Republicans of the founding of the M.R.P. are contained in the following: Albert Gortais, *Démocratie et libération* (Paris, Société d'Editions Républicaines Populaires, 1947), pp. 7–9, 62–63; *Origines et mission du M.R.P.*, pp. 26–28; *Le M.R.P., parti de la IV^e République*, pp. 1–4; *Vers une démocratie nouvelle*, pp. 30–31.

[11] Raymond Aron, *Le grand schisme* (Paris, Librairie Gallimard, 1948), pp. 173–75.

However, an expository interpretation co-existed with the argumentative one. Unencumbered by a preoccupation with electoral considerations, it produced a more accurate interpretation of the events in recent French history. It dispensed with the fiction of unity, regarded the Resistance as one stage in a long struggle for the liberation of mankind from all oppressions, and did not attempt to establish the right of the M.R.P. to rule.

Popular Republicans maintained both accounts continuously throughout the period from 1944 to 1947. Because their doctrine depended partly on interpretations of historical reality, these two accounts were basic to the thought of the M.R.P.

II

Although the argumentative account influenced the aims and programs of the M.R.P., Popular Republicans took their basic ideas from Christian Democratic doctrine. These ideas include four assertions concerning the nature of man and certain statements on historical progress. Taken together they treat society as an organism, analogous in structure to man, which develops through the freely willed actions of men.[13]

The first of the assertions is that all men are responsible, free, and active persons in whom "the spirit transcends matter,"[14] but who differ in physical and intellectual capabilities. The second assertion is that man realizes his spiritual and material well-being only as a member of society, defined as "a collection of human beings united for the conquest of the common good, which they pursue by the light of reason."[15] The third is that man and society are in a continual process of development, so that "the aims of political action never can be finally fixed" but "represent a succession of stages."[16] The fourth is that each man will be able to develop his faculties "only if the entire society is organized throughout all of its structures on the basis of the primacy of man,

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[12] Jean Cayeux, *op. cit.*, p. 11.

[13] Although statements of these basic principles occur frequently in the writings of Popular Republicans, the most extensive treatment of them may be found in the following: Albert Gortais, *Démocratie et libération*, pp. 25–28; Etienne Gilson, *Notre démocratie* (Paris, Société d'Editions Républicaines Populaires, 1948), pp. 23–30; and the debates on the proposed Declaration of Rights in the First Constitutional Commission, summarized in *Séances de la Commission de la Constitution, Assemblée nationale constituante, élue le 21 octobre 1945* (Paris, 1946) pp. 200–206.

[14] Albert Gortais, *Démocratie et libération*, p. 59.

[15] Etienne Gilson, *Notre démocratie*, p. 24.

[16] Albert Gortais, *Démocratie et libération*, p. 27.

of every man, respecting his liberty, permitting him to exercise his responsibilities."[17]

Popular Republicans treated these assertions as principles of natural law which rule society and determine its progress. The party's statements describing the pattern for this essentially Aristotelian development of society comprise a philosophy of history which may for convenience be presented in the form of four laws.[18]

A first law of history is a restatement of the idea that men, through free will, are the makers of their own happiness or misery. "The destiny of humanity depends on the liberty and intelligence of man; the judgment based on reason and faith which he applies throughout history is a force which also makes history."[19] The actions of free men cause progress, which is an increase in the spiritual and material means for the development of all men. "We believe that no limits are fixed in advance to human progress." Man "can surpass present results, he can influence the course of history."[20]

A second law of history, corresponding to the idea that the soul is superior to the body, is that progress occurs primarily through a change in the spiritual sphere of society. Marc Sangnier described the primacy of the spiritual over the material in revolutions in these terms: " . . . a revolution is not only a change in constitution but above all a new spirit. A revolution must be made from within."[21]

A third law of history is that the competition and cooperation of forces, spiritual families, or civilizations cause its great movements. A force, spiritual family, or civilization is an agglomeration of people and groups united by a single philosophy. A force takes its name from the philosophy which constitutes its spiritual part, for example, Socialism, Liberalism, or Christian Democracy. Spiritual families arise because men have "different conceptions of man and the universe"[22] and because they organize to propagate their views. However, when a profound crisis breaks down barriers to mutual understanding and blurs the conventional distinctions among people, most of the existing spiritual families wane in strength. "In the history of peoples there are favorable hours."[23] At a favorable hour a single, dominant family emerges and tries to remake society on the basis of principles implicit in its philosophy of man.

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[17] *Loc. cit.*

[18] For the Popular Republicans' views concerning history, see the following: Albert Gortais, *Démocratie et libération*, *passim;* Albert Gortais, *Rapport sur le Mouvement* [Bibliothèque du Mouvement Républicain Populaire: Congrès National du M.R.P., 13–16 Décembre 1945] (Paris, M.R.P.), *passim;* Joseph Hours, *Directions, libres propos pour une action politique* (Lyon, M.R.P., 1945), *passim;* Jacques Madaule, "Le sens de l'histoire," *l'aube*, n. 3023 (Sept. 4, 1946), p. 1; Etienne Borne, "Paroles exemplaires," *l'aube*, n. 3144 (Jan. 26–27, 1947), p. 3.

[19] Etienne Borne, *op. cit.*, p. 3.

[20] Albert Gortais, *Démocratie et libération*, p. 27.

[21] Speech at the First National Congress of the M.R.P., *l'aube*, no. 2468 (Nov. 28, 1944), p. 3.

[22] Albert Gortais, *Démocratie et libération*, p. 17.

[23] Francisque Gay, *Les démocrates d'inspiration Chrétienne à l'épreuve du pouvoir* (*Mémoire confidentiel*) (Paris, 1950), p. 47.

According to the fourth law of history, progress occurs through a dialectical process in which a dominant spiritual family generates its opposite. The struggle between protagonist and antagonist produces a third family which is their synthesis. "History is always, in some way, polarized, and it is from this very law of polarity that the Marxists, following Hegel, have derived their dialectical method."[24] The dominant family acts according to an idea of human nature. As time and events reveal the imperfections in this idea, the ruling force becomes increasingly opportunistic in order to remain in power and the dissatisfaction of the people grows. Their misery gives rise to an opposing force which gains strength largely from the people's irrational rejection of their rulers. This opposition is the negation of the ruling family but interprets human nature and historical necessity no better than the dominant power. As time passes, the size and strength of the opposition grows in the measure that the policies of the ruling family become more and more incapable of solving human problems. During the struggle, a new insight into the nature of man is born. In the final battle between protagonist and antagonist this insight matures as a new spiritual family. Then the cycle recommences.

This philosophy of history provided Popular Republicans with a conceptual scheme for describing past events. The dialectic could help them to give a rational description of social and political developments in any place and for any period of time. It allowed them to discuss, describe, and disagree concerning the spiritual families which best filled the roles of protagonist, antagonist, and synthesis.

However, the philosophy of history did not support the Popular Republicans' claim to rule. On the contrary, it demanded that any concrete interpretation of history should be descriptive rather than justificatory. The use of history to justify a present situation would represent the elevation of morally neutral events into a standard of right and wrong. Confusion between a philosophy of history and a particular interpretation of history, such as for example occurs in Marx's description of the class struggle, would imply that the success of a party in gaining power is the sole test of its right to rule. The Christian Democratic assumptions of the M.R.P. reject this implication. The teaching that society and the state exist to serve all men means in part that the worth of a party depends on its ability to provide for human needs. The Christian Democratic idea that people must exercise their responsibilities implies that only the people in free elections may validate or invalidate the claims of the various parties to govern.[25]

III

Nevertheless, Popular Republicans occasionally departed from their Christian Democratic assumptions and formed an argumentative interpretation of history which confuses their philosophy of history with a particular interpretation of French history. It is not wholly special pleading. It justifies the right of the M.R.P. to rule but does not deny a similar right to other parties. On the one hand, the argumentative account identifies the protagonist and the antagonist in the 19th century with the party's two principal ideological enemies, Liberalism and Marxism. The Popular Republicans' claim to rule depends on the assertion that the doctrine of the M.R.P. is a synthesis between Liberalism and Marxism and a product of the national struggle, the Resistance, which rejected these two spiritual families as being outmoded. On the other hand, the argumentative account admits that Liberal and Marxist parties might have a right to share in governing France. It attributes Christian Democratic ideas of pluralism to the Resistants and thereby makes the right to rule depend on free elections. Thus, the argumentative account ends in confusion, since Liberal and Marxist parties cannot at the same time both possess and not possess a right to rule.

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[24] Jacques Madaule, "Le sens de l'histoire," p. 3.

[25] Albert Gortais, *Rapport sur le Mouvement*, p. 7.

According to the Popular Republicans' argumentative interpretation of French history since 1789, Liberalism emerged as the dominant force after the overthrow of the *ancien régime.* "The essential action of the Constituent Assembly . . . of 1789 will remain the Declaration of the Rights of Man, marked by a double revolutionary significance: a social revolution against the old privileges in proclaiming the equality of all before the law; a political revolution against the absolute arbitrariness of royal power by obliging the governors themselves to respect the imprescriptible rights recognized for every human being."[26] But Liberals failed to temper their emphasis on individual rights with an acknowledgement of social rights and duties. In theory, the worker and the capitalist were equally free. In practice, only the capitalist had the means to enjoy his freedom. Moreover, according to Liberal theory, the capitalist had no obligation to improve the welfare of the workers. Consequently, only the property-owning bourgeoisie, who had inspired the Liberal Revolution of 1789, profited from the new political and social rights. Class war broke out. The bourgeoisie, who adhered to their incomplete conception of human nature, refused to recognize the existence of social ills which human agency might cure. The failures of the bourgeoisie produced Marxian Communism which, "above all after the contribution of Lenin, appeared to large numbers of the working class as a means of salvation because it gave them a *mystique*, a method, slogans, and in short all that the oppressed lacked in order to advance in their struggle from the stage of constantly thwarted desires."[27] But Communism offered the people no greater opportunities than did Liberalism. "Born of a methodical criticism of capitalistic Liberalism, it is exactly the reverse [of Liberalism] while remaining on the same ground."[28] It denied the existence of individual rights and attributed all rights to the collectivity, society. Eventually, a part of the bourgeoisie became frightened by the increasing strength of Marxism and advocated dictatorial ideas and tactics which had always been implicit in the economic doctrine of Liberalism. During the 1930's France became divided into Marxist and Liberal blocs. In the course of the Second World War both sides went down to defeat before a new idea of human nature which matured under new experiences and associations.

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[26] Albert Gortais, *Démocratie et libération*, p. 11. On the historical development of Marxism and Liberalism see *ibid.*, pp. 11–24; Pierre-Henri Simon, "Le marxisme dépassé," *l'aube*, no. 2701 (Aug. 23, 1945), p. 1; Joseph Hours, *Directions, libres propos pour une action politique*, pp. 7–11. On the historical role of monarchy, see *ibid.*, pp. 3–5.

[27] Albert Gortais, *Démocratie et libération*, p. 14.

[28] *Ibid.*, p. 20.

However, before the war broke out, the conditions of the conflict favored the rise of the idea that man is both an individual and a social being. Gradually the people turned from Liberalism. A sign of their disgust was their dislike for the Liberal Third Republic which had become characterized by the

> passivity and egoism of citizens, irresponsibility of a lazy bureaucracy, intrigues of parties and parliamentary groups, governmental impotence, indifference to foreign menaces. Republic of comrades for some, Republic of trusts for others, it appeared to most people as a woman of easy virtue, without principles and without dignity.[29]

Also, the people began to turn away from Marxism. They rejected its economic basis. Evidence of this appeared in their increasing drive for freely formed social and economic organizations.[30] Upon the outbreak of the war the drive for social organization was universal: " . . . we must not fail to recognize the great aspiration, the dominant idea of our times, which is that of social organization, as Liberalism and nationalism had been those of the 19th century."[31]

The Resistance and the Liberation marked the emergence of a new society which was determined to provide for man's needs as an individual and social being. The appearance of humanistic Socialistic books and articles extolling the dignity of man testified to a decline in the popularity of Marxian Communism.[32] Class warfare between the bourgeoisie and the proletariat had ended.[33]

> The experience of the Resistance has been decisive. While the old political structures were becoming exhausted, new forces conscious of their cohesion, their duty, and their responsibility in social life were being secretly organized. This was truly the 'arrival of the masses', parallel to the effacement of the old 'elites'.[34]

Religious disputes had ended.[35] Above all, the Resistants had shown an ability to overcome their former prejudices and to achieve a fraternal union founded "much less on the uniformity of laws than on the union of hearts and the free agreement of wills."[36] "Through them was born in France, in combat and by means of combat, a new fraternity. From its beginning the fight for France has been able to associate the French without distinction of religious faith or political allegiance around a common conception of France and its vocation."[37] The "spirit of the Resistance . . . represents the common basis on which, among us, everyone is agreed."[38] This common basis was a synthesis of Marxist and Liberal ideas. It included the Marxist interpretation of the war as "the demonstration of an historical fact belonging to modern times: the increase in class consciousness of the masses, both from the social and international points of view, of their oppressed human dignity and the clear reaffirmation of their will to liberation."[39] It included the Liberal idea that men have a natural desire for liberty, equality, and fraternity.[40]

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[29] François de Menthon, *Vers La Quatrième République* (Paris, Librairie Hachette, 1946), pp. 7–8.

[30] Albert Gortais, *Démocratie et libération*, p. 13.

[31] Christianne Marcilhacy, in *Citoyennes* (Paris, M.R.P., 1945), p. 10.

[32] Pierre-Henri Simon, "Elargissement du socialisme," *l'aube*, no. 2810 (Dec. 26, 1945), p. 1.

[33] Georges Hourdin, *le Bilan de la France* (Bibliothèque du Mouvement Républicain Populaire: Congrès National du M.R.P., 13–16 Décembre 1945, Paris), p. 14.

[34] Marc Scherer, "Les 'partis' et la nation: III. De la démocratie bourgeoise à la démocratie populaire," *l'aube*, no. 3134 (Jan. 8, 1947), p. 3.

[35] Marcel Poimboeuf, "L'accord est possible," *l'aube*, no. 2447 (Nov. 3, 1944), p. 2.

[36] Pierre Pflimlin, in *Journal Officiel de la République Française, Débats de l'Assemblée Constituante* (Session of Dec. 31, 1945), p. 630.

The success of the Resistants in achieving a synthesis was historical proof that they expressed the will of the nation. The Third Republic, which was supposed to have represented the nation, had failed in its duty and merited the contempt of the people. "*The French nation had saved its soul,* as its resistance to the spiritual domination of Germany was soon to show; but *the State had lost its own.*"[41] The Resistants had taken over the task of representation. Collectively, they formed a new elite which would be united "by the fully deliberated choice of a single line of conduct, a choice founded on the intimate adhesion to the same faith."[42]

The Popular Republicans' claim that the M.R.P. represented the Resistants and therefore the nation rested on the assertion that the Resistance had produced the M.R.P. and given it the mission of expounding a common faith. According to Popular Republicans, a young man named Gilbert Dru, before being killed by the Gestapo, had sounded the call for a movement which, after the war, would continue to work for the liberation of man.[43] Soon, Resistants of all occupations and classes flocked into his organization and made it a mass movement.[44] As a result of their efforts, the M.R.P. had "avoided the politics of 'two blocs' " and emptied the old terms "right" and "left" of all meaning.[45] "Consider for a moment our program according to this outmoded terminology. We are for reforms of structure, thus on the Left. But we are also for an increase in family dignity, thus on the Right. We insist on the need to liberate man from capitalistic slavery, and are thereby on the Left. But we are for the respect of all moral forces and a practical organization of the republican liberty of teaching; and thereby we are on the Right."[46] Popular Republicans did not call their organization a party, which they claimed implies "the very negation of all human progress," but a popular movement, "the movement of the entire French population, the humanistic movement of the people of France,"[47] with a duty "to rise above . . . class antagonisms and to assemble the French in the community of a fraternal ideal."[48]

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[37] André Colin, in *l'aube*, no. 2388 (Aug. 29, 1944), p. 1.

[38] Christianne Marcilhacy, "Les résistantes . . . et les autres," *l'aube*, no. 2568 (Mar. 23, 1945), p. 1.

[39] Albert Gortais, "Programme du M.R.P.," in *Vers une démocratie nouvelle*, p. 67.

[40] Albert Gortais, *Rapport sur le mouvement*, p. 4.

[41] Joseph Hours, *Directions, libres propos pour une action politique*, p. 10.

[42] *Ibid.*, p. 12.

[43] *Le M.R.P., parti de la IVe République*, pp. 1–4.

[44] For the occupational background of Popular Republicans in the First Constituent Assembly see *l'aube*, no. 2756 (Oct. 25, 1945), p. 1. For a breakdown of the Resistance activities of Popular Republican deputies see *l'aube*, no. 3071 (Oct. 29, 1946), p. 3.

[45] Maurice Schumann, Speech delivered in Paris on April 6, 1946, *l'aube*, no. 2893 (Apr. 7–8, 1946), p. 1.

[46] Pierre Corval, "Indépendence," *l'aube*, no. 2571 (Mar. 27, 1945), p. 1.

> We must be his [man's] expression in political society, take into account his expressed aspirations, aid him to express those which are as yet imprecise, aid each and all to maintain them within legitimate limits in such a way that the desires of some do not interfere with the liberties of others and do not sacrifice justice to individual interest. We must concern ourselves with these aspirations, which are frequently contradictory, in order to harmonize them within a broad, reciprocal comprehension; and finally to incessantly work for their realization. In doing this, we will be a movement."[49]

The claim that the M.R.P. was "the movement of the entire French population" resembles the demagoguery of dictators and displays the egoism which accompanies a drive for power. If no more is said, the implication is that only the M.R.P. had a right to govern, because it was the only authentic voice of the nation. But Popular Republicans refused to accept this inference. They imputed to the Resistants Christian Democratic ideas on liberty, honor, justice, and fraternity, "the essential principles of a Christian civilization, which are deeply and ineradicably inscribed in our national tradition,"[50] and concluded that history proved that the people had a right to select as many parties as they desired to aid them in governing France. According to Popular Republicans, the Resistants had recognized that "man on earth is not only an element, a part of a whole, an instrument in a symphony; he is an end, a complete world in himself."[51] Throughout the Empire the same spirit had prevailed. The war had united the territories and France around "the French *mystique* based on a recognition of the primary value of the human being, on the respect for individual and collective moral values, and on a particular conception of politics which takes into account the legitimate evolution concerning the total development of persons and groups in liberty and justice."[52] The fraternity which in practice bound the Resistants together differed from the Communists' and the Radicals' conceptions of fraternity. The Communists' idea of the class struggle precluded the possibility of the workers maintaining fraternal relationships with capitalists. The Radicals assumed that uniformity of belief was the basis for fraternity. On the other hand, Popular Republicans insisted that

> The true fraternity of the Resistance does not consist in a conformity which would stunt and humiliate everyone. . . . The true fraternity of the Resistance consists in this: Each

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[47] Bernard Broussard, *Comment lancer le M.R.P. dans les campagnes* (Paris, Equipes Rurales du M.R.P., 1946), p. 1.

[48] Marc Scherer, "De la doctrine aux méthodes d'action," *l'aube*, no. 2798 (Dec. 12, 1945), p. 1.

[49] Bernard Broussard, *op. cit.*, p. 2.

[50] André Colin, in *l'aube*, no. 2394 (Sept. 5, 1944), p. 1.

[51] Christianne Marcilhacy, "Les résistants . . . et les autres," p. 1.

[52] J. M. Sedes, "Le M.R.P. et l'Union française, II." *l'aube*, no. 2995 (Aug. 2, 1946), p. 1.

> one of us should use his own ideas and methods to follow his inclinations, but never in a spirit of isolation or anathema.[53]

As time passed, Popular Republicans read most of their ideas concerning pluralism into the desires of the Resistants and the nation. They declared that the people wanted both public and private schools, a planned economy managed in cooperation with the state by producers' associations, and a pluralistic state in which people could freely form and join parties and manage the common affairs of the nation both through their parties and through their social and economic groups.[54] Popular Republicans took the view that the demands of the Resistants for pluralism, based on a spiritual conception of man, bound the M.R.P. to accept the decisions of a pluralistic nation, expressing itself through free elections. "France is a 'pluralistic' country. Throughout the course of its long history, every effort to achieve unity by means of constraint has failed after having uselessly weakened the country."[55] Political pluralism demanded "the principal currents of opinion freely and legally to take power under the form of a restricted number of parties, clearly distinguished from each other."[56] Each party should have a measure of power in proportion to its electoral strength "precisely because differences are so deep" and "because it is just and conforming to the spirit of Democracy."[57]

The Popular Republicans' insistence on the need for proportional representation suggests that the desire to uphold Christian Democratic principles stopped them from accepting the dictatorial implications of their description of the historical role of the M.R.P. Furthermore, the Popular Republicans' definitions of Liberalism, Marxism, and pluralism are compatible with Christian Democratic theory. As a whole, however, the argumentative account is justificatory. It describes the M.R.P. as the only conceivable synthesis and assumes that all relevant contemporary French history up to 1944 was the story of two forces whose conflict within the territorial limits of the nation produced the M.R.P.

IV

The argumentative interpretation of history has several faults. It neglects the complexity of the forces in modern French history, and therefore was an unreliable aid for assessing the weaknesses of the Third Republic. It includes no account of economic conditions and consequently was of little help in elaborating financial and economic programs. Finally, it falsifies the effects of the Resistance and thereby threatened to blind Popular Republicans to existing political realities.

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[53] Marcel Poimboeuf, in *Journal Officiel de la République Française, Débats de l'Assemblée Consultative Provisoire* (Session of July 4, 1945), p. 1304.

[54] *Le M.R.P., parti de la IV^e République, passim;* Maurice Schumann, in *Journal Officiel de la République Française, Débats de l'Assemblée Constituante* (Session of Jan. 29, 1946), pp. 160–62; *Batir la France avec le peuple* (Paris, M.R.P., 1945); "Le Manifeste du M.R.P.," *l'aube*, no. 2486 (Nov. 28, 1944), p. 4.

[55] E. Coornaert, "Liberté de l'enseignement et liberté de conscience," *l'aube*, no. 2593 (Apr. 21, 1945), p. 1.

[56] Albert Gortais, "Résistance et politique," *l'aube*, no. 2525 (Feb. 1, 1945), p. 2.

[57] Marc Scherer, "Les 'partis' et la nation: I. D'abord dissiper les équivoques," *l'aube*, no. 3128 (Jan. 1, 1947), p. 3.

The expository interpretation gives a fuller and more accurate account of past and current events. It connects the history of France with developments in other countries. It includes short summaries of the international situations and events which affected government under the Third Republic, *e.g.*, the growth of a Communistic regime in Russia, the rise to power of National Socialism in Germany, Fascism in Italy, and the Spanish Civil War.[58] It recognizes that the war brought economic ruin to France. The Germans had dispersed the labor force by deporting thousands of Frenchmen to Germany. Invasion and bombardment had destroyed a large number of private dwellings and industrial and commercial establishments. Coal, iron, and wheat production were far below their pre-war yearly averages.[59] Moreover, the expository account contradicts the explanation of the effects of the Resistance which ap-appeared in the argumentative interpretation. It shows that the conditions for realizing a synthesis between Liberals and Marxists were not present. The old capitalistic system had not disappeared but persisted, for example, in the form of unrestricted competition on the black market.[60] No new political order had emerged; instead, the old parties, doctrines, and tactics had reappeared.[61] Class conflicts continued.[62] Old religious disputes found new expressions in the bickerings over the state subsidies to private schools[63] and the proper organization of the school system in Alsace-Lorraine.[64] Above all, the fraternity and unity of the Resistants had not lasted beyond the victory. "It is unhappily a fact that what is called the Resistance, and what is in reality only the organized Resistance, is becoming progressively separated from the mass of the French not incorporated in the movements."[65] *Incivisme* was replacing patriotic activity at a time when popular participation in politics was more than ever needed to aid in reconstructing the country.[66] Popular Republicans castigated others for the attitude towards the Liberation which they themselves were expressing in their argumentative account.

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[58] E. Coornaert, in *l'aube*, no. 2565 (Mar. 20, 1945), pp. 1 & 2; Jean Letourneau, *Rapport sur la politique extérieure* (Bibliothèque du Mouvement Républicain Populaire: Congrès National du M.R.P., 13–16 Décembre 1945, Paris), *passim*.

[59] *Les grandes options de la politique économique* (Bibliothèque du Mouvement Républicain Populaire, Paris, 1946), pp. 5–34, 47–49; François de Menthon, *Vers La Quatrième République*, pp. 51–52.

[60] Maurice Schumann, "Confiance? Oui! Mais confiance de quoi?" *l'aube*, no. 2580 (Apr. 6, 1945), p. 1.

[61] Robert Lecourt, "Politique de division," *l'aube*, no. 2683 (Aug. 2, 1945), p. 1.

[62] Paul Bacon, "Les grèves," *l'aube*, no. 2620 (May 22, 1945), pp. 1, 2.

[63] Henri Dufournel, "Propagande pour l'unité?" *l'aube*, no. 2559 (Mar. 13, 1945), p. 1; *Journal Officiel de la République Française, Débats de l'Assemblée Consultative Provisoire* (Session of Mar. 28, 1945), p. 839.

[64] Pierre Pflimlin, *op. cit.*, p. 630.

[65] Robert Lecourt, "L'unité de la Nation," *l'aube*, no. 2515 (Jan. 20, 1945), p. 1.

[66] Fernand Mosse, "Courage civique," *l'aube*, no. 2457 (Nov. 15, 1944), p. 1; *Le Conseil général* (Bibliothèque du Mouvement Républicain Populaire: Série Administrative, Paris, 1945), p. 7.

> In the past five months many Frenchmen have accepted a pseudo-messianic mirage of the Liberation: Prosperity in plenty should suddenly reappear; and peace exists, fallen from the sky, and needs only to be embraced to be enjoyed. The reality is altogether different. Peace has not arrived, but only a lull. Perhaps it has lasted too long.[67]

The goals of unity and fraternity were as yet unattained. All citizens should rally "to reforge the unity of France. In our eyes this is the basic problem, as much on the social plane as on the economic and political planes, for which we must provide an equitable and lasting solution."[68]

The disinterested assessment of facts which characterizes the evaluation of the Resistance pervades all other parts of the expository account. Popular Republicans avowed their connection with Christian Democracy, refused to regard the M.R.P. as the embodiment of the highest moral purpose, and disclaimed the nationalistic interpretation of events. "What is the goal?" asked Maurice Schumann; and he answered, "To insure the triumph of Christian principles by Christian methods, and the victory of Democracy by democratic methods."[69] The M.R.P. "is animated by the traditional ideal of Christian civilization founded on Liberty, Justice, Fraternity."[70] But as a champion of Christian Democracy, it had no right to pretend to be a synthesis with infallible programs for repairing the old divisions in French society. No one on the contemporary scene had sufficient information to identify any particular spiritual family as the protagonist, antagonist, or synthesis during his own age.[71] In assessing the present, the best that party members could do was to adopt a classification of forces which would be meaningful in solving problems according to the principles of Christian Democracy. With this in mind Popular Republicans described the contemporary spiritual families in such a way as to recognize the divisions in France which prevented even proportional representation from accurately representing public opinion. In politics five spiritual families existed, each of which had a large following and at least one political party.[72] Behind these five families were six others, whose boundaries did not always coincide with those of the parties and not all of which sought representation in the assemblies.[73] The correct identification of the protagonist and antagonist in any situation could appear only after considering the crises which involved the entire human race. Thus, the Resistance should be regarded not only as a nationalistic uprising but also as a phase in the resistance to all forces which hamper man's fullest development, "the combat against totalitarian regimes, the struggle for the liberation of France and the liberation of man, fused in the same cause."[74] When the Christian Democratic aims are added to this idea of liberation, the Liberation of 1944 appears as a stage in the progressive advance of mankind towards freedom in obedience to a universal law of nature. The Second World War was "something more than the clash of contradictory national interests. It was a conflict of civilizations which involved the future fate of the human race over the whole surface of the planet."[75]

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[67] Pierre Corval, "Tous ensemble travaillons," *l'aube*, no. 2517 (Jan. 23, 1945), p. 1.

[68] Jean Cayeux, *op. cit.*, pp. 24–25.

[69] Maurice Schumann, "Our Message," in *Vers une démocratie nouvelle*, p. 15.

[70] Albert Gortais, "Programme du M.R.P.," in *Vers une démocratie nouvelle*, p. 56.

[71] Jacques Madaule, "La pensée et l'action," *l'aube*, no. 2977 (July 12, 1946), p. 1; Léo Hamon, "Réflexions sur les élections," *Les Cahiers Politiques*, 11 (June, 1945), p. 23.

[72] Robert Lecourt, Speech delivered in Paris on Feb. 4, 1945, *l'aube*, no. 2529 (Feb. 6, 1945), p. 1. Francisque Gay listed the five spiritual families as the M.R.P., Communists, Socialists, Radicals, and Conservatives. "France, pays de pluralisme politique," *l'aube*, no. 3148 (Jan. 31, 1947), p. 1.

[73] Pierre-Henri Simon listed these six spiritual families as Positivists, Humanists, Nietzschean Aristocrats, Marxists, Existentialists, and "those who still turn their eyes towards Calvary, towards the wounded side of Christ as the irreplaceable source of all wisdom, love, and peace." "L'inquiétude humaine," *l'aube*, no. 2826 (Jan. 13–14, 1946), p. 1.

The essential difference between the expository and the argumentative interpretations of history lies in their relationship to the Christian Democratic idea that man and society are in a continual process of development—"the aims of political action can never be finally fixed" but "represent a succession of stages." The argumentative account disparages this idea by implying that the social relationships between men attained their perfect form in the activities of the Resistants and that human intelligence achieved its perfect expression in the doctrine of the M.R.P. The expository account assumes that social relationships and ideas are continually changing in response to environment; it accepts the observation that France is a pluralistic country but understands pluralism as a continual achievement. Pluralism can exist only as long as men have opportunities for free expression and experimentation. The expository account contains those observations which Popular Republicans believed that a pluralistic society must know for its protection and development.

V

The two interpretations of history supplied the bases for two orientations within M.R.P. doctrine. One encouraged dogmatic appeals to tradition and an acceptance of the revolutionary idea of the nation. The other suggested the continual revision of M.R.P. doctrine and favored the idea of integrating the nation into higher forms of society.

Dogmatism characterizes the argumentative interpretation and irrationalism distinguishes the appeals which depend on it. For example, when Popular Republicans told the electorate to reject the first draft constitution in order to express their "faithfulness to the resistance, to the republic, and to the immortal principles which in the eyes of the universe for a century and a half have been the honor of the French nation,"[76] they were at the same time appealing to a supreme standard of history and reading into that standard the ideas which might justify rejecting the first draft constitution. They were appealing to a body of dogma which said only what Popular Republicans wanted it to say and which principally served to identify the party with the Revolutionary tradition.

Furthermore, in their attempts to convince the heirs of the Revolutionary tradition that the M.R.P. was patriotic, Popular Republicans confused the nation as an historical fact with the nation as an ideal. André Colin described the nation as "a perfect community of purpose."[77] This Jacobin tendency to treat the nation as the one supreme and indivisible morally self-sufficing community underlies the argumentative interpretation of history. The description of the struggle between Liberalism and Marxism assumes that France is a self-contained society, whose development in the 19th and early 20th centuries proceeded independently from events in other countries. The Resistance to the German occupation appears as a national struggle rather than as a part of a world conflict. Most important, the Resistance is described as the nation at work, which in opposition to the Vichyites and the Germans achieved a perfect pluralistic form.

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[74] Albert Gortais, *Démocratie et libération*, p. 8.

[75] Albert Gortais, *Rapport sur le Mouvement*, p. 1.

[76] Francisque Gay, Speech delivered in Besançon on May 3, 1946, *l'aube*, no. 2915 (May 5, 1946), p. 2. *Cf.* a manifesto of the Comité Directeur of the M.R.P., *l'aube*, no. 3049 (Oct. 4, 1946), p. 1.

Nationalism also characterizes the programs which depend on the argumentative interpretation of history for their rationale, such as the idea that France should be independent of other nations and an arbitrator of their quarrels.[78] The assertion that the war had united the territories with France around "the French *mystique* based on a recognition of the primary value of the human being" sustains a program, misnamed "progressive federalism," for integrating the natives in the overseas departments, territories, protectorates, and mandates into the French nation. The inference is that other nations and colonial peoples needed France because it had achieved a perfection which they had not yet attained.[79]

The idea that the nation is a perfect, self-sufficing society is incompatible with the Christian Democratic assumptions of the M.R.P., which stress that man can develop his faculties only if society is organized with respect to human needs and depict social discord as resulting from the failure of a ruling spiritual family to revise its doctrine in such a way as to be always able to explain the relationship between general and immutable principles of human nature and the changing world of men and societies. The only valid arguments for programs then are based on the possible effects of these programs on society.[80] The belief that the nation is the highest form of society has no place in a Christian Democratic doctrine which sees the upward limit of man's integration into more inclusive forms of association in some sort of society which includes the entire human race.[81]

The Popular Republicans' desire for immediate electoral success helps to explain their acceptance of the revolutionary idea of the nation. To be sure, their experiences as members of the Resistance partly account for their patriotism, but that is a sentiment that differs from narrow nationalism. The nationalistic ideal represents the Popular Republicans' acceptance of the prevailing climate of opinion in post-war France, which saw no inconsistency in accepting an ideal of national self-sufficiency and at the same time demanding a strong international organization to keep the peace. A large number of the voters desired to see France retain possession of her empire and regain a dominant position in world affairs. Identification of the M.R.P. with *la nation*, a concept dear to the revolutionary left, also helped to distinguish the party from certain Vichyites and earlier advocates of an alliance between throne and altar who had extolled the monarchical idea of *la patrie*.

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[77] André Colin, "l'Unité française," *l'aube*, no. 2432 (Oct. 14, 1944), p. 1.

[78] *Le M.R.P., parti de la IVe République*, pp. 26–27; E. Coornaert, "Qu'est-ce qui remplacera Verdun?" *l'aube*, no. 2429 (Oct. 13, 1944), p. 1.

[79] J. M. Sedes, *op. cit.*, p. 1; Louis Aujoulat, *Problèmes de l'Union Française* (Paris, M.R.P., 1946), pp. 6–7, 16.

[80] Marc Scherer, "De la doctrine aux méthodes d'action," p. 1.

[81] Albert Gortais, *Démocratie et libération*, pp. 54–55; E. Coornaert, "Unité Française," *Ouest-France*, no. 458 (Feb. 9–10, 1946), p. 1.

VI

The timing of the Popular Republicans' success helps to explain their simultaneous attraction towards the opposite poles of power and principle. They had no opportunity to formulate their doctrine before assuming the responsibilities of government as, for example, the French Socialists had done. The voters called the M.R.P. to office as soon as the party was sufficiently organized to draw up lists of candidates and at a time when its doctrine consisted principally of a few general expressions of loyalty to de Gaulle and the ideals of the Resistance. Consequently, although from 1944 to 1947 Popular Republicans were spared the separation between doctrine and practice which has long characterized the Socialists and numerous other parties and movements in France, they were faced with the continuous task of reconciling their basic principles and their propaganda within a single doctrine. This task has always been difficult. The elaboration of a doctrine demands an emphasis on general problems, rational thought, and logical exposition; whereas politics, the art of acquiring and keeping political power, places a high priority on particular problems, personality, and extemporized action. As politicans, Popular Republicans acted and made statements which upon reflection contradicted the first principles of the party. An opportunistic political line carried the danger that these contradictions might accumulate and produce within party doctrine a strain of thought which incidentally extolled power over principle. This danger presently materialized, although several party members warned against it and advocated self-criticism as a means of preventing it.[82] Some self-examination took place, but most of the evaluation of M.R.P. doctrine came from the opponents of the party, disinterested observers, and after 1947, from members or former members who had become disgusted with the party's deviations from their interpretation of Christian Democratic principles.[83] Most Popular Republican leaders were prone to overlook the developing ideological conflict. As governors of the country they had responsibilities which they could honor only in the measure that the M.R.P. was strong enough to support their positions and policies. Consequently, the M.R.P. perpetuated dogmatic and irrational tendencies whose influence the Christian Democratic movement had for over a hundred years sought to curtail.

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[82] Albert Gortais, *Démocratie et libération*, pp. 5–7; Maurice Schumann, "Vouloir partout la paix," *l'aube*, no. 3039 (Sept. 22–23, 1946), p. 1; Bernard Broussard, *op. cit., passim.*

[83] Two of the most interesting later criticisms of the M.R.P. by members who were active in the period from 1944 to 1947 are Francisque Gay, *Les démocrates d'inspiration Chrétienne à l'épreuve du pouvoir* (*Mémoire confidentiel*); and Joseph Hours, "Les chrétiens dans la politique. l'Expérience du M.R.P."

THE VIET NAM CONSTITUTION OF 1956

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When the forces of the French Union and those of the Viet Minh accepted a cease-fire at Geneva in July, 1954, the 17th Parallel was visioned only as a temporary military demarcation line. Nation-wide elections were to be held within two years to settle the political future of the country; and it was generally taken for granted that the entire area, from the Gate of Nam-Quan on the China border to the Point of Ca-Mau at the tip of the Indo-China peninsula, an area roughly equivalent in size to that of the States of New York, New Jersey, Pennsylvania and West Virginia combined, with a population approximating 23 millions, would fall to Ho Chi Minh and his Communists. The device of a delayed election was accepted merely as a face-saving measure to enable the French to withdraw gracefully from the scene by handing over control of the South—and hence responsibility for its future—to a native government.

That the 17th Parallel has become, instead, a political boundary separating the Republic of Viet Nam, embracing roughly the southern 40 per cent of the area and nearly half of the population, from the Communist "Democratic Republic of Viet Nam," has been largely the work of a single man, Ngo Dinh Diem, and his closely knit group of assistants. Accepting the premiership while the Geneva Conference was in session, he assumed leadership of a country that had made little progress during nearly a century of French rule, that had been bled by Japanese occupation followed by nine years of civil war, and that was divided internally, even if we ignore the communist cadres left behind by the withdrawing Viet Minh forces, by quasi-feudal religious sects with their own private armies and almost complete independence of the central government. Yet he soon was able to write: "While other Asian countries less threatened than ours took five to ten years to develop democratic institutions, we have in one year established an independent republic, elected an assembly of free men to write a constitution, ended the armed threat of feudalistic forces, . . . (and) established effective government throughout the land."[1] Since he wrote, the Constitutional Assembly has completed its task and the Constitution has been promulgated. The new Legislative Assembly (which is in fact the old Constitutional Assembly, in new dress) has met in four regular sessions and three special sessions, passed some of the basic legislation necessary to put the new system into effect and, more important still, made itself felt as a regular part of the new order.

It is my purpose to trace the steps that led to the adoption of this Constitution, to analyze its provisions, and to comment upon its strength and its shortcomings.

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[1] Message to The American Friends of Vietnam, published in its *Symposium on America's Stake in Vietnam* (1956), p. 101.

I. DEVELOPMENTS LEADING TO THE CONSTITUTIONAL ASSEMBLY

Historically the Vietnamese political system had been based not on the concept of the management of public affairs by the people or their representatives, but on that of an enlightened sovereign heading an enlightened government. The concept was tempered by the fact that public offices were open to all but the lowest classes by way of competitive examinations, and by the existence of a strict moral code. The coming of the French merely substituted Western for Chinese morals, and French administrators for the local mandarinate. For 2,000 years, the only elections known to Viet Nam and the only institutions of even a quasi-democratic character were found at the village level. Even here they were exceptional.

After four years of civil war that already had lost them the North, the French permitted the Emperor, Bao Dai,[2] to issue Ordinance No. 1 of July 1, 1949, promising that "a national constitutional assembly shall be convened as soon as circumstances will permit the holding of free general elections." This was necessary, in part, to combat the propaganda of the North, which in 1946 had elected a national assembly and adopted a constitution.[3] It was followed by Ordinance No. 4 of February 17, 1950, creating two consulting bodies: an Economic and Financial Council of 24 members and 6 alternates, half of whom were to be French residents of South Viet Nam, and a Regional Assembly of South Viet Nam, consisting of 48 members and 12 alternates. All were appointed by the government for one-year terms. Like the various colonial councils of French Indo-China on which they were modelled, both bodies were purely advisory, all legislative authority continuing to rest with the government.

The war dragged on to the inevitable military debacle at Dien Bien Phu and the Geneva cease-fire, the next important steps coming with the appointment of Ngo Dinh Diem as prime minister on July 7, 1954. Ngo[4] had once been prime minister, for a short period in 1933, but had resigned because he could see no chance of securing real independence for his country. His request for an elective assembly, for example, had been turned down; and a French minister presided over all meetings of the cabinet. For 21 years he had declined all offers of public office, whether tendered by Bao Dai and the French or by Ho Chi Minh. A younger brother, Ngo Dinh Nhu, head of a quasi-political party (Congress of National Union) with strong trade union support, had led a movement for a real national assembly in 1953, in which the appointed Regional Assembly had joined. Another brother, Ngo Dinh Khoi, had been buried alive by Ho Chi Minh because he refused to cooperate with the northern revolutionists. Thus Ngo's own record, as well as that of his family, made it clear that his program would be threefold: complete independence from France, unswerving opposition to communism, and the establishment of a permanent pattern of government modelled along western democratic lines.

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[2] He had abdicated at the time of his temporary alliance with Ho Chi Minh, leader of the revolutionary forces, in August, 1945. This alliance lasted only until he could get out of the country. He returned to the South under French protection as Emperor in 1949.

[3] See B. B. Fall, *The Viet-Minh Regime: Government and Administration in the Democratic Republic of Vietnam.* Data Paper No. 14, Southeast Asia Program, Cornell University, 1954.

[4] The Vietnamese, like the Chinese, place the family name first; and sometimes the second name, as in the case of Ngo Dinh, also gives a key to the branch of the family. Because there are only about 300 family names, and only 30 of these in wide use, given names are common in everyday speech. It is more polite, however, to use the family name for persons in high office; and I follow this practice.

The third had to wait until the first could be solidified. Although he had promises, similar promises in the past had failed to bear fruit. Nor did conditions appear too promising. The army, obviously the most effective force in Viet Nam, was under the command of a naturalized French citizen who held a permanent commission in the French army, General Nguyen Van Hinh. The police of Saigon-Cholon, the "twin cities" that serve as the economic hub of the country as well as its capital, had been farmed out to the Binh Xuyen, who in return secured a monopoly on gambling, prostitution, and the opium traffic. Although the Binh Xuyen often is spoken of as a "sect," it has no religious basis. Headed by a gang of ex-river pirates, it can only be described as "Murder, Inc." The Cao Dai, a religious sect that accepts Confucius, Buddha, and Christ as reincarnations of the same person, had built a strong army, sometimes in the face of French opposition and at other times with French subsidies, that dominated a large stretch of land inland from the capital to the Cambodian border. One of its generals had been Minister of War in an earlier cabinet. The private army of the Hoa Hao, a "reformed" Buddhist sect, dominated another large area. Communist forces controlled many of the outlying villages, and some that were not so distant.

Ngo started at the center, and dismissed General Nguyen. To the surprise of many, and the consternation of the French, the army remained loyal to the prime minister. With this support, he outlawed gambling, prostitution, and (save for older addicts) opium smoking. This brought on an open clash with the Binh Xuyen, and in a short but bitter campaign the army drove them from the city and forced their capitulation. A new and effective police force was created under the control of an army general. A month later a campaign was launched against the Hoa Hao and the Cao Dai. Elements of the former held out for months, but ultimately were pretty well liquidated. The latter made peace with the government and its forces were worked into the national army, where they were widely scattered so that they no longer exist as a unit. In the meantime, effective "mopping up" expeditions were conducted against various communist groups, many of whose leaders "rallied" to the government.

Bao Dai, tiring even of the resort city of Dalat in the hills north of Saigon, had moved to the French Riviera; from there he attempted to maintain a semblance of control over his prime minister by air and wire. His efforts to intervene on behalf of the sects led to a complete break with Ngo, who retaliated by calling the plebiscite of October 23, 1955. All citizens of either sex, 18 years of age and over,[5] were asked to choose between the *status quo* and a "Republic" to be headed by Ngo as President. The ballot, approximately six inches square, consisted of two pictures: a smiling Ngo in civilian dress, printed on a red (happy) background, and a serious Bao Dai in court attire, printed on a green background. The pictures were to be torn apart, one then being discarded and the other deposited in the voting box. Of course this method of voting destroyed much of the secrecy, and undoubtedly was a factor in the outcome. With an 80% turnout, the absent Bao Dai received only 5% of the votes.

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[5] These were the qualifications adopted by the North when it chose a national assembly in 1946. The South hardly could adopt a more restricted franchise.

Acting for the first time in his new capacity, President Ngo proclaimed the results of the plebiscite on October 26, 1955, in what was termed a Provisional Constitutional Act. This was followed on January 23, 1956 by Ordinances Nos. 8 and 9, calling for the election on March 14 of a National Constitutional Assembly of 123 members to be chosen, without benefit of primaries, by plurality vote from single member constituencies approximately equal in voting strength. The Assembly was to have 45 calendar days to prepare a draft constitution, which might be returned by the President for reconsideration of any clauses or omissions unsatisfactory to him. In case the President and the Assembly could not agree, the alternative drafts could be submitted to the electorate in a referendum. The Assembly was to decide whether it should continue under the Constitution as the first Legislative Assembly or go out of existence with the completion of the Constitution and leave a new Legislative Assembly to be elected.

In submitting these ordinances to the press the Minister of Information and Youth, Tran Chanh Thanh, who also is head of the largest political party in the country, the National Revolutionary Movement, to which the President himself belongs, was widely reported to have said that his party looked "toward institution of a democracy of the American presidential type." At his insistence the press corrected this to read, ". . . a presidential system, based upon the separation of powers and well defined responsibilities . . . responsive to the exigencies of the actual situation, and not based upon any model."[6] Given the temper of the times and the growing sense of nationalism, it was no more desirable to seem to be under American than under French influence. He also implied that by the time the Assembly met the President would have a completed draft constitution to submit to it, and its function would be merely to pass upon this draft—hence the 45-day limit. Hence, also, a lessened popular interest in the election and the decision of most opposition parties not to campaign.

II. THE CONSTITUTIONAL ASSEMBLY

The election was held as scheduled. Two seats subsequently were declared vacant by the Assembly itself for violations of the electoral laws, but these were filled by new elections. The final result was an Assembly of 123 members, 63 from the South, 39 from that portion of Central Viet Nam that lies south of the 17th Parallel, 9 from the highlands (P.M.S.),[7] and 12 representing the

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[6] See *Le Journal d'Extrême Orient* (Saigon) [hereafter cited as *Le Journal*], January 24, 1956, p. 1, and January 15, 1956, p. 3, "correcting" the issue of January 23, 1956, p. 2. The January 25 issue printed the full French text of the Minister's clarifying statement.

[7] Historically Viet Nam had consisted of three parts, Cochin-China, Annam, and Tonkin, which at times were separate kingdoms and at other times under a single ruler.

860,000 refugees who fled to the south following the cease-fire.[8] The President's party, the National Revolutionary Movement, came within one seat of capturing a clear majority, and 25 seats fell to members of the friendly Citizen's Assembly, a Catholic party. The Labor Party won 15 seats, the Movement to Win and Preserve Freedom, 8. There was one Progressive, the other 11 being independents.[9] The average age of the deputies was 43 years, the youngest being 26 (25 was the minimum required by law) and the oldest, 67. There were 23 professors or teachers, 19 landowners, 19 civil servants (14 on leave, 5 retired), 16 businessmen, 15 lawyers, 5 physicians, 4 journalists, a sprinkling of other professions, 3 industrialists, and 4 who listed themselves as just "employees" or "workers." Six were women, including the wife of the President's brother, Ngo Dinh Nhu, who represented a refugee district. Her husband was elected to represent his home district in Central Viet Nam. Four members of the President's cabinet—all who ran—also were elected. Because of the large number of candidates—7 or 8 contesting a given district was quite common—many members were elected by substantially less than a majority vote.

III. DRAFTING THE CONSTITUTION

The President had appointed an 11-man commission, composed of leading cabinet members, a newspaper editor, and others active in public affairs,[10] supposedly to prepare a draft constitution. If such a draft ever was prepared it has been kept a closely guarded secret.[11] When the Assembly held its inaugural ses-

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Tonkin and part of Annam lie north of the 17th Parallel and hence now constitute the (Communist) Democratic Republic of Viet Nam. In general, speaking of the Republic of Viet Nam, South Viet Nam refers to Cochin-China, Central Viet Nam to that part of Annam south of the 17th Parallel. The P.M.S. (Plateaux Montagnards du Sud) is a newly created division consisting of the highlands formerly constituting part of Cochin-China or Annam.

[8] These have profoundly changed the religious complexion of the country, as 676,000 of the refugees are Catholics. Prior to the civil war there were well over a million Catholics in the North, but only about 450,000 south of the 17th Parallel. Today the figures are reversed, and Catholics constitute over 10% of the 11 millions living in this area. The rest are Buddhists or belong to some sect that is essentially Buddhist, such as the Cao Dai or Hoa Hao, save for the mountain tribes, who generally are primitive animists.

The 860,000 figure does not include a large number of Chinese refugees, who have never been counted and have been left to their own devices in finding homes and employment. Since Chinese were not citizens prior to Ordinance No. 48 of August 21, 1956, they were not represented in the Assembly.

[9] Originally 44 members were elected as independents, but 33 almost immediately aligned themselves wlth one or another of the existing parties.

[10] The Ministers were Nguyen Huu Chau, Presidency (which is organized as a department); Nguyen Van Si, Justice; Tran Chanh Thanh, Information and Youth; Vu Quoc Thong, Public Health and Social Action, and Vu Van Mau, Foreign Affairs. The others were Cao Van Tuong, Nguyen Cao Thang, Nguyen Khac Oanh, Nguyen Phuong Thiep, Nguyen Van Thinh, and Vuong Quang Nhuong. Nguyen Cao Thang, pharmacist, Nguyen Phuong Thiep, editor of *La Gazette de Saigon*, and Ministers Nguyen Huu Chau, Tran Chanh Thanh, and Vu Quoc Thong subsequently served on the Assembly's constitutional commission. See below.

[11] In summarizing the work of the Assembly the Speaker categorically denied the existence of such a draft. *The Times of Viet Nam* (Saigon) [a weekly, hereafter cited as

sion on March 15, 1956, President Ngo merely promised that when it had organized he would submit the "principles" necessary to reconcile the yearnings for liberty with the need for a strong government. In a perfect straddle, he stated: "For a country as vulnerable as ours, internally as well as externally, the possibilities of realizing democracy are of necessity reduced. But we will betray the people if we are incapable of responding to their ardent desire for a regime of true and real liberty."[12]

On March 22 the Assembly elected Tran Van Lam, leader of the (Catholic) Citizens' Assembly, as Speaker. He was the President's "delegate" for the Southern Region—roughly Cochin China less the highlands—and as such (a position perhaps more meaningfully translated as "governor") the second most powerful man in the government. Subsequently it completed its organization, and met in what was its first real working session, and the date from which the 45 days began to run, on April 18 to receive President Ngo's "views on the constitutional problem." These were presented in writing and read by the President's messenger, an official of his office. The President's message opened by warning the Assembly that whereas liberty and individualism had been hailed in the 18th and 19th centuries as the keys to human happiness, the systems erected upon these concepts too frequently had resulted in special privileges for minorities and governments powerless to protect collective interests, making them easy victims for fascism and communism. Affirming his faith in the absolute value of the human person and asserting that "democracy is essentially a permanent effort to find the appropriate political means to assure to all citizens the right to unimpeded development and to the maximum of initiative, of responsibility, of spiritual life," he concluded:

> In the name of these principles we solemnly declare that:
>
> 1. Viet Nam is an independent Republic, one and indivisible.
>
> 2. Citizens are born free and equal before the law. The state should assure them equal conditions for the exercise of their rights and the performance of their duties. It owes aid and protection to the family with a view toward the harmonious development of family life. Citizens have a right to a secure and peaceful life, to justly remunerated work, to individual possessions sufficient to assure a dignified and free life, to democratic freedoms, and to the full development of their personalities.
>
> They have the duty to develop the national heritage for the common good and universal peace, to safeguard liberty and democracy, to defend the nation and the Republic against all those who work to destroy the foundations of communal life and the Constitution.
>
> 3. Sovereignty belongs to the people. An elected National Assembly is invested with legislative powers. The President of the Republic, also elected by universal, direct and secret suffrage, is invested with executive powers. The family vote is accepted, the right of women to vote and hold office is recognized. The separation of powers should be clear-cut and the responsibilities of the different state organs well defined, their activities well coordinated in order to assure a maximum of stability and efficiency. A High Court of Justice will be created to try cases of high treason.
>
> 4. The law courts should be independent in order to make an effective contribution to the defense of the Republic, order, liberty, and democracy.

The Times], July 14, 1956, p. 2. [The less important daily edition, started October 1, 1957 is cited as *Daily Times.*]

[12] *Le Journal,* March 16, 1956, p. 5.

5. A Supreme Court should be organized for the control of the constitutionality of laws.

6. The economic forces should be associated in the activities of the government in the form of a National Economic Council composed of representatives of syndicates and professional groups which will present suggestions and advice on projects and proposed laws affecting the economic field.[13]

The Assembly undertook its task by appointing a 15-member committee to prepare a draft document. Five members, including the chairman (Tran Chanh Thanh, Minister of Information and Youth), vice chairman (Vu Quoc Thong, Minister of Social Affairs), and reporter (Nguyen Phuong Thiep, newspaper editor) had served on the President's 11-man commission, so one may rest assured that it started with the files and at least rough drafts of the latter. The committee was well balanced, consisting of eight members from the National Revolutionary Movement, three from the Citizen's Assembly, two from the Labor Party, one from the Movement to Win and Preserve Freedom, and one independent. The only lady member, Mrs. Huynh Thi Nu, listed in government literature as a school teacher, was President of the Federation of Women Workers in the Confederation of Workers of Viet Nam, having left school at the age of 13 to make her living as a clerk with various private companies. The Mountain People[14] were represented by one of their own number, Mr. Kre.[15]

The committee presented its first report—a draft of Chapter 1 and an outline of the balance of the Constitution—on April 28. Save for the preamble and a contemplated article adopting a new flag and a new national anthem, the committee completed its work during the first week of June. Debates in the Assembly—which had held only weekly meetings up to then—opened on June 11. The original deadline of 45 days had expired on June 2; but at the request of the Assembly the President, by Ordinance No. 31 of May 25, 1956, had extended this 30 days, to July 2. It was nearly midnight on July 1 when the Assembly took its last vote, and the next day a proposed Constitution, still without a preamble or provisions for the flag and anthem, was sent to the President. This corresponded roughly with the departure for France of the last contingent of the French forces and the announcement of the appointment of a French Ambassador to replace the High Commissioner. Independence was now complete, even on paper; and progress toward the adoption of a Constitution was coming to a head. When Vice President Nixon arrived on a good will tour on July 6, the Vietnamese had much to celebrate.

The press confidently predicted that although the President undoubtedly would suggest some changes in the draft sent to him by the Assembly, these would be minor and would not lead to the necessity of a popular referendum. This seemed a reasonable assumption, since close friends of the President and members of his cabinet had played such important roles in writing it. Indeed, his closest advisor in going over the draft, Minister Nguyen Huu Chau, had been a key member of the Assembly's drafting committee. While the President worked on his proposed changes, the Assembly met on July 9 to receive a draft preamble.

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[13] *Ibid.*, April 19, 1956, p. 2. This prints the full text in French.

[14] Descendants of the aboriginal tribes who were pushed into the highlands by the invading Vietnamese, these people differ from the latter in religion, language, customs and law. Tension has tended to increase in the last few years because for the first time the government has undertaken to exploit the highlands on behalf of the Vietnamese.

[15] Aside from Mrs. Huynh, Mr. Kre, and the five carry-overs, as to whom see above, note 10, the other members of the committee were Ha Huy Liem, professor; Ha Nhu Chi, professor; Nguyen Van Lien, a former judge; Ton That Toai, businessman; Trass Quang Ngoc, a former government official; Tran Sy Don, physician; Tran Van Trai, lawyer, and Truong Vinh Le, publisher.

The debate on the preamble became quite heated when a Catholic member sought to add to the reference to the "spiritualist foundations" of Vietnamese culture a reference to "The Almighty." This led to debate concerning the nature of religious liberty. Action was postponed until the next meeting, held on July 31, when a compromise phrase was adopted that, although still translated as "The Almighty," was acceptable to the Buddhist majority because it comes closer to meaning "The Creator." Once more the Assembly failed to take action on the flag and anthem. Although it continued its special committee that was working on them, in the end the effort was abandoned.

On October 15, the President reported to the Assembly, making several important suggestions that will be discussed in the next section. The Assembly debated these on October 18, 19 and 20, accepting most, including a clause setting the effective date of the Constitution as October 26, rejecting some, and compromising on others. The President accepted these changes, and the Constitution was promulgated with great pomp and ceremony on October 26, 1956, the second anniversary of the declaration of the Republic.

IV. THE CONSTITUTION[16]

So far as concerns its broad outline and even most of its specific provisions, the final Constitution is essentially similar to the original committee proposals and the draft document of June 2. The central theme is executive leadership and control. The legislative branch is given important powers and duties, but these are overshadowed, at times even in the field of law making, by those of the President. Although the President's original message of April 18 had stated that "the law courts should be independent," the Assembly found considerable difficulty implementing this and in the end the organization of the courts and the selection and control of the judges was left to be determined by law. A statement of individual rights was made part of the Constitution, to be protected by a special "Constitutional Court"; but they are so qualified in nature that only time will tell if they mark the advent of a new era in Vietnamese governmental practices.

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[16] An "official translation" was published as a special Supplement A to *The Times* for October 27, 1956, and in pamphlet form by the Secretariat of State for Information, Saigon, 1956. This pamphlet failed to include the Preamble, but it has a useful introduction. I follow this "official translation" save that I correct a few errors and substitute a few words (*e.g.*, Speaker and Chief Justice rather than President) that will be more meaningful to an American audience, even though a better translation has been put out in mimeograph by the Michigan State University Vietnam Advisory Group.

English translations of the drafting committee's text were published in the weekly issues of *The Times* for May 5 through June 16, 1956, inclusive. Supplement A to the issue for July 7, 1956, printed a translation of the full text as submitted to the President by the Constitutional Assembly on July 2, 1956, together with the "notes in the Assembly Journal" that will be referred to below.

After declaring that "Viet Nam is an independent, unified, territorially indivisible Republic," and that "Sovereignty resides in the whole people," the Constitution continues:

> Art. 3. The Nation vests the executive functions in a President elected by the people, and the legislative functions in a National Assembly also elected by the people. The separation of powers between the executive and the legislative agencies must be clear. The activities of the executive and the legislative agencies must be brought into harmony.
>
> The President is vested with the leadership of the Nation.

The first paragraph of this Article is essentially as it was written by the Assembly, save that at the President's request the order of the two halves of the first sentence was reversed. The second one-sentence paragraph was added in the final revision requested by the President. It gives the key to all that follows.

National Assembly. Chapter IV, embracing Articles 48 through 69, is devoted to the Assembly. It provides for a single house whose members "shall be elected by universal and direct suffrage with secret ballot, according to procedures and conditions fixed by the electoral law." The Assembly, agreeing with its drafting committee, had set its size at not less than 100 nor more than 250 members. At the President's request, this clause was deleted, leaving its size to be set by law. The Presidential decree of August 21, 1956, declaring all persons born in Viet Nam of Chinese parents to be Vietnamese citizens, has had the effect of naturalizing about half of the million Chinese residents and will require an increase of 5 or 6 in the size of the next Assembly if no change is made in the method of drawing district lines. If the hope of the South that the North ultimately will cut away from Communism and join the Republic is realized, the size will go above 250 unless districts are made larger.

The term of office is set at three years, a reduction, at the request of the President, from the four-year term provided in the Assembly draft. Vacancies are to be filled by special by-elections unless the term has less than six months to run. Article 38, which falls in the chapter devoted to the President, provides that "In case of war or internal disturbances, the term of office of the Deputies . . . shall be automatically extended . . . . In case an electoral district shall be placed in a state of emergency, of alert or of siege, the President of the Republic may extend the term of office of the Deputies of that district. However, general or partial elections must be organized at the latest within six months of the end of the special circumstances referred to . . . ." By Article 95, the Constitutional Assembly elected March 4, 1956, became the first Legislative Assembly, its term of office expiring on September 30, 1959. This of course, was in keeping with the notice given to the electorate by Ordinance No. 8 of January 23, 1956, that this might be the case.

Article 53 forbids a cabinet minister or his undersecretary to serve in the Assembly. Consequently three ministers resigned from the Assembly and were replaced in by-elections held on February 17, 1957. Vu Quoc Thong chose to resign as Minister of Public Health and Social Action, and subsequently was elected a Vice Speaker of the Assembly. This Article also provides that "The mandate of a Deputy is incompatible with any other remunerated public function" save that "Deputies may serve as teachers in Universities and Higher-Technical Schools." They "may be charged with special missions lasting not more than twelve months each nor exceeding *in toto* one half of the life of the legislature," but while discharging such special assignments they "shall not have the right to debate or vote." Vu Quoc Thong has continued as Director of the National Institute of Administration, this being construed as falling within the exception for "teachers." Another Deputy, Thai Manh Tien, was silenced for a year while continuing to serve as Director General of Youth. The country is faced with such a scarcity of trained and experienced personnel that such practices may be expected to continue.

Bills may be introduced by any Deputy or by the President of the Republic, and passed by a majority vote "not inferior to one-third the total number of Deputies." If vetoed by the President, they may be repassed provided they receive the affirmative votes of not less than three-fourths of the members. I assume that the references are to the number of Deputies eligible to vote, as some may be disqualified under Article 53. Meetings of the Assembly are public, unless the President or a majority of the members request a closed session. Public sessions are reported verbatim in the Journal.

Legislative terms begin on October 1. Two regular sessions are to be held each year, starting the first Monday in October and the first Monday in April. Neither regular session may exceed three months. This represents a change from the Assembly draft, which had provided that the first session should start a month earlier and run for four months. It is to this session that the President submits, not later than September 30, his annual budget requests. If the budget is not voted before December 31, Article 43 provides that the President may put his requests into effect by decree until such time as final action is taken, provided that in any quarter he may not expend more than one-fourth of the total requested. The drafting committee had recommended that the limit be one-twelfth per month, which would have allowed less flexibility than both the President and the Constitutional Assembly felt desirable. Article 61 provides that "Deputies have the right to initiate expenditures but at the same time they shall propose corresponding new receipts."

Special sessions of the Assembly may be called by the President or by petitions signed by more than half of the membership. This represents a tightening of the drafting committee's proposal, which would have required the signatures of only one-third of the members. Although Article 64 provides that "When convened by the President, the agenda . . . is to be fixed by him," this will prove idle as a limitation on the Assembly. Once it is in session, it will be an easy matter to call another session to take up any matter the majority may wish to discuss. For the same reason, it seems idle to have provided that "The duration of each special session may not exceed thirty days."

Article 67 provides that the Assembly shall elect its own Speaker, two Vice Speakers, and its Secretariat, and "shall designate various committees." Article 68 adds that it "shall prescribe its own internal regulations, especially with regard to . . . rules of procedure and . . . the composition and functions of committees." The first session, which opened on November 9, 1956 (having been delayed beyond the normal October opening date because the Constitution was not yet in force) was devoted almost exclusively to adopting its plan of internal organization. Tran Van Lam, who had served as Speaker of the Constitutional Assembly, was elected Speaker by an almost unanimous vote. It was decided that there should be two "blocks," a majority and a minority, with each individual member, regardless of his party, free to join either block or remain independent. Each block has a floor leader and an assistant floor leader, and they assign their members to the various committees, on which the independents are not entitled to representation. These committees are: Agriculture; Budget and Accounting of the National Assembly; Budget and Finance; Culture, Education and Youth; Economic Affairs; Foreign Affairs and Information; Home Affairs; Internal Regulations; Justice and Legislation; National Defense; Public Works, Tourism and Reconstruction; and Social Welfare, Labor and Health.

This block system, which of course has no constitutional status, was adopted in an effort to get a two-party result from a multi-party situation. The block caucus may bind its members to vote for or against any measure or motion. Its future remains doubtful, since 98 members joined the majority block.[17] This promises virtually to substitute the majority caucus for the Assembly on any crucial debate as well as vote.

President of the Republic. Chapter III, comprising Articles 30 through 47, is devoted to the Presidency. At the President's request the order of Chapters III and IV was reversed, the Assembly draft having followed the American practice of putting the legislative branch first. Article 30 provides that the President and Vice President shall be elected on a single ticket by universal, direct suffrage and secret ballot for five-year terms. The Assembly draft had provided for six-year terms. At the President's suggestion, eligibility for reelection was restricted to two additional terms. Article 96 provides that "The present President of the Republic who was charged by the people in the referendum of October 23, 1955, with establishing a democratic regime, shall be the first President" for a term ending on April 30, 1961. Article 97 adds that he shall appoint the first Vice President, subject to confirmation by the Assembly. Hereafter elections are to be held on a Sunday, three weeks before the new President and Vice President are to be inaugurated. No provision is made for postponing an election in case of war or other emergency, as in the case of the Assembly.

It will be noted that presidential elections will be held early in April, assembly elections the end of August or first of September. These dates were consciously selected by the President in order that the two elections always will be separated in time. The Assembly draft would have had combined elections every twelve years.

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[17] For accounts of the block and committee systems, see *The Times*, December 22, 1956, p. 2.

Only natural born citizens at least forty years of age are eligible for the Presidency or Vice Presidency. The Assembly draft, perhaps through oversight, had failed to specify any qualifications for the Vice Presidency. In amending Article 31 to apply to both offices, the President also suggested that the age requirement be lowered to thirty-five. The debate in favor of this reduction was led by (Minister) Nguyen Huu Chau, age 35, considered the most likely appointee. The opposition led by his (and the President's) sister-in-law, Mrs. Ngo Dien Nhu, prevailed after a very heated debate. Hence the Vice Presidency fell to the Minister for National Economy, Nguyen Ngoc Tho, whose nomination was confirmed on December 28, 1956.

A President may be declared incapacitated to continue in office "because of serious and prolonged illness" by a four-fifths vote of the total membership of the Assembly. If for this or any other reason the office becomes vacant, the Vice President assumes the duties of the office for the balance of the term. If there is no Vice President, Article 34 provides that the Speaker of the Assembly "shall temporarily exercise the function of President . . . and . . . organize the election of a new President and a new Vice President . . . within . . . two months."

The President negotiates and ratifies treaties, which must be approved by a majority vote of the Assembly. He appoints and receives ambassadors and other diplomatic representatives. He may declare war and conclude treaties of peace "with the agreement of one-half of the members of the National Assembly."This differs from the Assembly draft, which would have required a two-thirds vote in each case. He appoints and may remove "military and civil servants in conformance with existing laws, except in cases where the Constitution may prescribe special procedures." He is commander-in-chief of the armed forces, may pardon offenders or mitigate their sentences, and bestows all decorations.

As noted in the preceding section, the President may submit bills to the Assembly, veto their proposed laws, call special sessions, and postpone Assembly elections in whole or in part in time of crisis. Article 39 provides that he "shall communicate with the National Assembly by means of messages." The Assembly draft had stopped here; but turning to his ministers of state, it had added:

> Art. 70. The Cabinet is presided over by the President of the Republic or by the Vice President if the President is absent or if he is prevented from attending.
>
> Art. 71. The Ministers of State and their Under Secretaries may attend the meetings of the National Assembly and of its committees; they may express their opinions if they so wish.

The President had his eye upon the American system of an independent executive, and did not wish to see any semblance of French parliamentary responsibility creeping in. Consequently, he prevailed upon the Assembly to delete any mention of a "Cabinet." Article 71, renumbered as Article 47, was accordingly revised to read that the Ministers and their Under Secretaries "can confer with the Speaker and the Vice Speakers of the National Assembly, and the chairmen of the committees of the National Assembly, in order to give explanations on problems relative to legislation." On the other hand, Article 39 was expanded to provide that the President "may attend the sessions of the National Assembly and speak before it."

The original drafting committee, foreseeing periods of conflict between the legislative and executive branches, had proposed:

> Art. 64. In case of serious conflict between the executive and the legislative powers on internal or external policy, which may harm the interests of the nation, the President may dissolve the National Assembly.
>
> The *election of the new Assembly must be held . . . within three months. . . .*
>
> The point of view of the new Assembly on the object of the conflict which motivated the dissolution must be respected.
>
> Art. 65. During the legislative vacancy period caused by the dissolution of the Assembly, the President makes laws by special decrees.

This proposal was severely criticized by the press[18] and defeated in the Assembly, which substituted a provision for a referendum.[19] The President would have preferred to return to the committee draft, but was finally prevailed upon to accept a simplified rewriting of the Assembly provision. It now reads, dropping all reference to "conflict":

> Art. 40. The President may, with the consent of the National Assembly, organize a referendum. The results of the referendum must be respected by the President and the Assembly.

The balance of the drafting committee's suggestions as to emergency powers survived to become part of the final Constitution. They now read:

> Art. 41. Between two sessions of the National Assembly the President may, for reason of emergency, sign decrees having the effect of laws.
>
> These decrees shall be transmitted immediately . . . to the Bureau of the National Assembly. If the Assembly does not reject these decrees during its next regular session, they shall become permanent laws.
>
> Art. 42. In cases of emergency, war, internal disturbances, or financial or economic crisis, the National Assembly may vote a law conferring on the President the power to sign decrees for a definite time and within definite limits, with a view to enforcing the policy defined by the National Assembly in the law by which it delegates power to the President.
>
> These decrees must be communicated to the Bureau of the National Assembly immediately. . . . Thirty days after the expiration of the time limit defined in the law delegating the power, these decrees shall become laws proper if the Assembly does not reject them.
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> . . . .
>
> Art. 44. The President may sign a decree proclaiming a state of emergency, alert or siege in one or many areas; this decree may temporarily suspend the application of one or many laws in these areas.

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[18] See, for example, *The Times*, June 2, 1956, p. 1.

[19] Art. 63 of the Assembly draft still was written in terms of "serious conflict" between the two departments.

These provisions show that their authors did not limit their studies of comparative law to France and the American New Deal. Article 44 sounds surprisingly Spanish or Latin American. The only saving grace in the entire picture is the fact that the Assembly may meet in special session on its own motion, and determine its own agenda.

Judiciary. The Vietnamese are not a litigious people, and the number of judges necessary to man its courts is, by Western standards, fantastically small. Saigon-Cholon, twin cities that together have a population approximating that of Detroit or Los Angeles, had, as of September, 1956, only one justice of the peace and eleven judges of first instance between them. Six of the eleven sat as examining magistrates (*juges d'instruction*),[20] the other five as trial court judges. As of that date the Ministry of Justice was seeking an increase, since together these judges try over a third of the criminal and a quarter of the civil cases for the entire Republic; but it was only asking for three new trial court judges and two additional examining magistrates.

The Vietnamese judicial system is built around these two courts, the Justice's Court handling petty litigation and the Court of First Instance, which has unlimited jurisdiction, handling the bulk of the work. Because of a shortage of trained personnel, many areas lack a Court of First Instance, its duties falling to a "Justice of the Peace of Extended Jurisdiction." Labor tribunals have been or are being organized in nine cities. They handle not only industrial conflicts, that we would be more apt to leave to voluntary arbitration, but also such matters as accident compensation. Land tribunals, which in essence are merely special sessions of the Courts of First Instance, have been established, and there is talk of creating commerce courts. There are two Courts of Appeal, at Hue and Saigon, with final appeal to the Supreme Court, also at Saigon. A system of administrative courts, modelled after the French, also is in process of being organized. Because military campaigns still are an order of the day, military courts continue to play important roles.

Those who wrote the Constitution wisely did not attempt to write this or any other plan of organization into the fundamental law, but left the entire matter to be dealt with by statute. However, historically the Vietnamese judiciary has been a puppet of the executive, never having known the meaning of judicial independence. The desire to end this situation is well expressed in Article 4, "The judiciary shall have a status which guarantees its independent character." This is merely a restatement of the President's advice on April 17, 1956, that "The judiciary should be independent." When it came to implementing this ambition neither the drafting committee nor the Assembly, nor after them the President, was too successful, if indeed they were successful at all. We secure our judicial independence by giving judges security of tenure and guaranteed salaries. Viet Nam was not willing to do this, although there seems to be no other way.

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[20] One of these is a woman, Mrs. Nguyen Thi Ve, the wife of Nguyen Van Kim. She is a graduate of the Law School of Hanoi, now in North Viet Nam.

The final content of Chapter V, entitled "The Judges," is completely innocuous. Save for the last provision, which had a checkered career, it merely provides:

> Art. 70. To discharge the duties set forth in Article 4,[21] the judicial system shall be organized in accordance with the principles of the equality of all persons before the law and of the independence of the magistrates on the bench.
>
> Art. 71. Judges shall make decisions according to their own consciences, with respect for the law and the interests of the Nation.
>
> Art. 72. Under the supervision of the Department of Justice, the public prosecutors shall supervise the application of the law, the respect for morals, and public order.

The drafting committee had proposed a "High Council of the Judiciary" with power to dismiss, suspend, discipline or transfer judges. It was to be composed of the President and Vice President of the Republic, and six judges elected for one year terms, two each by the Supreme Court, the Courts of Appeal, and the Courts of First Instance. The Assembly draft would have had only the President or, in his absence, the Vice President (rather than both), and four rather than two judges from the Courts of First Instance, for a total of nine members. Its functions were to embrace the "dismissal, readmission, retiring before expiration of office, transfer and promotion of the judges." In the final Constitution this clause was emasculated to read:

> Art. 73. There shall be established a High Council of the Judiciary with the mission of supervising the application of the statute of the public prosecutors.
>
> The organization, functions and powers of the High Council of the Judiciary shall be determined by law.

Two other special "courts" are provided for in separate chapters. The so-called "Special Court of Justice" is really just a committee of the Assembly, with an outside chairman, to try impeachments. It is discussed in the next section. The Constitutional Court, not being a part of the regular judiciary, also will be discussed separately.

Impeachment and Other Removal Procedures. The drafting committee had proposed that "The National Assembly shall become the Supreme Court of Justice to try treason charges against the President and Vice President of the Republic." Charges were to be brought only by a three-fourths vote of the total membership, followed by appointment of a special "investigating committee of seven non-deputy members, including two high-ranking government attorneys," which should report within two months. The accused was to have an opportunity to present his defense before the entire Assembly, and a three-fourths vote of the entire membership was necessary to convict and thus remove from office.

The Assembly expanded the grounds for impeachment to include "high crimes" as well as treason, but left the chapter applicable only to the President and Vice President. Instead of the full Assembly it substituted fifteen deputies

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[21] That article reads, "The Executive, the Legislature and the Judiciary have as their responsibility the defense of freedom, democracy, the republican form of government, and public order."

"elected by the Assembly for each legislature," with the Chief Justice presiding. The investigating committee of five members also was to be a standing committee of the Assembly. Members of neither group could vote to prefer charges, which were to require a two-thirds vote for passage and were to have the effect of suspending the accused from office pending trial. The investigating committee, which was to "present its report within two months unless a delay of an additional month should be accorded," was given authority "to summon witnesses and to compel interested agencies to place secret documents and files at its disposal." After hearing the accused as well as the investigating committee, the "court" of sixteen members was to vote, twelve votes being necessary to convict.

The President was heard to laugh at this chapter as proposing "just a court to impeach *me*." He suggested that it be expanded to cover the Chief Justice and the Chairman of the Constitutional Court, the latter to preside when the former is accused. This was done, and without further change the Assembly draft became Chapter VI of the Constitution.

No provision has been made for the impeachment of any other officer. No special reason appears why the Chief Justice and the Chairman of the Constitutional Court should be subject to impeachment, but not their colleagues.

Article 68 authorizes the Assembly to "prescribe its own internal regulations," including "discipline within the Assembly and disciplinary sanctions." Unless this is construed to include power to expel a member, I find no way in which a Deputy can be removed from office short of defeat at the next election. Under Article 46, Ministers and their Under Secretaries are "appointed by the President and shall be responsible to him," hence can be summarily dismissed by the President. Article 37 provides that "The President shall appoint and dismiss all military and civil servants in conformance with existing laws, except in cases where the Constitution shall prescribe special procedures."

No provision has been made for the removal of judges unless they too are to be classified as "civil servants." Although this would be in keeping with Vietnamese traditions it scarcely would add to their prestige, or aid in fostering their promised independence. It is to be hoped that a special statute will be enacted to give the judges a greater security than they heretofore have had against arbitrary removal by the Chief Executive. For example, removal might well be made subject to confirmation by a council of judges chaired by the Chief Justice.

Economic Council. Chapter VII continues this body as a purely advisory group. Save that the Vice President of the Republic shall serve as its chairman and that "Membership . . . is incompatible with membership in the National Assembly," its composition, organization and functioning are left entirely to the law. Little reason, apart from tradition, appears for including even this much in the fundamental law.

Constitutional Court. The President, in his October 17, 1956, message to the Constitutional Assembly had recommended, "A Supreme Court should be organized for the control of the constitutionality of laws." Chapter VIII was adopted virtually in the language proposed by the drafting committee, and provides:

> Art. 85. A Constitutional Court shall decide the constitutionality of laws, decrees, and administrative regulations.
>
> Art. 86. For each term of the National Assembly the Constitutional Court shall consist of: A chairman appointed by the President with the consent of the National Assembly; four high-ranking judges or lawyers appointed by the President; four Deputies elected by the National Assembly.
>
> Art. 87. The Constitutional Court shall receive petitions for decisions on the constitutionality of laws, decrees and administrative regulations submitted to it by the various courts.
>
> The decisions of the Constitutional Court shall have the effect of suspending the application of unconstitutional clauses from the date the decision is published in the Official Journal.
>
> Art. 88. A law shall determine the organization and functioning of the Constitutional Court as well as the procedure to be followed before that body.

A note in the *Constitutional Assembly Journal* records the understanding that the "courts" that may submit such requests include both "judicial and administrative courts." I assume that this is broad enough to include the labor and land courts, as well as the commercial courts if such are established. Query, does it also include military courts?

Apparently review by this Constitutional Court is the only way in which statutes and administrative legislation may be voided on constitutional grounds. At least the chapter was debated on that assumption. The desire to prevent justices of the peace or even the more important trial courts from passing upon constitutional issues is easily understood. However, by providing that such questions shall be certified to a special tribunal rather than to the regular Supreme Court the Vietnamese have introduced complications that passed unnoticed in the debates. Constitutional questions cannot be separated from questions of statutory interpretation. If the regular Supreme Court construes a statute, and as construed sustains it, it has no difficulty making its interpretation effective. It simply reverses rulings based upon a different construction. How is the Constitutional Court to do this?

The desire to guard against retroactive rulings on constitutional issues is laudable. Even our own courts constantly rebel against the doctrine that "An unconstitutional act is not law; . . . it is, in legal contemplation, as inoperative as though it had never been passed,"[22] and seek ways to soften the impact of this doctrine.[23] One wonders, however, if the Vietnamese have not here gone either too far or not far enough. If the ruling is not to affect past transactions, why will a trial or appellate court certify the question of constitutionality to the Constitutional Court? The ruling, in the vast majority of cases, obviously cannot affect the case before it.[24] If the decision is not to be retroactive,[25] there seems little reason for tying it to litigation and having constitutional issues reach the Constitutional Court only by way of the trial courts. Indeed, the procedure should have as its aim the settling of such issues in advance of litigation or even prior to promulgation, so that constitutional rights will not needlessly be forfeited.[26]

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[22] Norton v. Shelby County, 118 U. S. 425, 442 (1886).

[23] See O. P. Field, *The Effect of an Unconstitutional Statute* (1936). For recent decisions of the United States Supreme Court, see Brinkerhoff-Faris Trust Co. v. Hill, 281 U. S. 637 (1930); Great Northern Ry. v. Sunburst Oil Co., 287 U. S. 358 (1932); Landis v. North American Co., 299 U. S. 248 (1936). In a concurring opinion in Griffin v. Illinois, 351 U. S. 12, 26, 29 (1956) Frankfurter, J., argued that "For sound reasons, law generally speaks prospectively" and criticized his colleagues because their "opinion is not limited to the future." Yet he voted to apply the ruling retroactively to the case before the Court.

Adoption of Chapter VIII merely brought the Assembly face to face with these problems. On December 15, 1956, it appointed its four members to the Constitutional Court,[27] but it has not yet passed the necessary organic act to bring this body into being. Finally, the entire problem was handed over to the Dean of the School of Law of the National University, Vu Van Mau, who also is Minister of Foreign Affairs and had served on the President's pre-Convention committee on the Constitution. He is expected to report in due time.

Individual Rights. Chapter II, entitled "Rights and Duties of the Citizen," contains what properly may be called a bill of rights. Many of the "guaranties" are rather meaningless platitudes, such as "The state recognizes the family as the foundation of society" or "Every citizen has the right to participate in cultural and scientific activities." Others are in the nature of promises of state action looking toward compulsory and free basic education, a system of social security, equal pay for equal work (as between the sexes?) etc. Still others are so qualified that at most they furnish a check only at the administrative level. For example, the provision in Article 13 that "All citizens have the right to go abroad, except in the cases of restrictions by law for security, national defense, economic, financial reasons or in the public interest" scarcely will open the flood gates to students desiring to study abroad, who now must secure the personal signature of the President to leave the country. Nor would Article 15, "Every person has the right to freedom of thought, and, within the limits set by law, of meeting and association," bar even the stringent licensing system of Franco's Spain. Several articles, however, merit special attention.

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[24] Note how even Hans Kelsen's dream of prospective rulings was shattered when the Austrian system was amended to permit cases to reach the Constitutional Court (*Verfassungsgerichtshof*) by certification from the regular courts. He explained, "This retroactive effect of the annulment is a technical necessity because without it, the authorities charged with the application of the law would not have an immediate and consequently sufficiently cogent interest to cause the intervention of the Constitutional Court. . . . It is necessary to encourage them to present these requests by attributing in case of annulment a retroactive effect." Kelsen, "Rapport sur la garantie juridictionnelle de la constitution," *1929 annuaire de l'Institut International du Droit Public* (Paris), p. 127.

[25] To escape from this dilemma, the second clause of Art. 87 could be construed to mean that, once held unconstitutional by the Constitutional Court, the voided clause shall not be applied even to past acts. This would make the rights of the parties hinge upon the court's willingness to postpone action on a case pending a ruling by the Constitutional Court.

[26] I have discussed this general problem in "Judicial Control of Legislation: a Comparative Study," *American Journal of Comparative Law*, Vol. 3, p. 186 (1954); "New Jersey's 'Popular Action' *in rem* to Control Legislative Procedure," *Rutgers Law Review*, Vol. 4, p. 391 (1950); "Judicial Control of the Constitutionality of Statutes and Administrative Legislation in Colombia," *Southern California Law Review*, Vol. 23, p. 484 (1950); "El Control de la Constitucionalidad de las Leyes a Petición del Ejecutivo Previamente a la Promulgación: la Experiencia de Colombia," *Revista Mexicana de Derecho Público*, Vol. 1, p. 243 (1947), reprinted in translation in *Southern California Law Review*, Vol. 21, p. 154 (1948); "Judicial Review of Legislation under the Austrian Constitution of 1920," this REVIEW, Vol. 25, p. 670 (1934).

[27] *The Times*, December 22, 1956, p. 2.

Article 10 provides that save when a person is detected in the act of committing an offense, "no arrest may be carried out without a mandate of the competent authorities." This is far more stringent than the Anglo-American common law doctrine permitting a peace officer to arrest a person without a warrant on reasonable belief that he has committed a felony. However, it fails to spell out who are "the competent authorities" or what must be proved to secure a warrant. I am advised that under present law warrants of arrest are issued only by examining magistrates (*juges d'instruction*); but this could be changed at any time. The debates in the Constitutional Assembly clearly proceeded on the assumption that the law might delegate this power to non-judicial agencies.[28]

This same article also provides, "In accordance with the procedures prescribed by law the accused in cases of crimes or misdemeanors shall have the right to choose their defense counsel or request that counsel be designated for them." Of course this goes far beyond the common law and far beyond the practices of many American states, which only recently have come to recognize a duty to furnish counsel to indigent defendants even in felony cases.

Article 16 was debated at length and rephrased on several occasions. In its final form, it reads:

> Every citizen has the right to freedom of expression. This right may not be used for false accusations, slander, outrages against public morals, incitations to public disturbances or for the overthrow of the republican form of government.
>
> Every citizen has the right to liberty of press in order to establish a truthful and constructive opinion which the state must defend against all effort to distort the truth.[29]

Many deputies sought a broader guaranty of freedom of expression. On the other hand, the Assembly noted in its *Journal* that "Freedom of the press means the absence of censorship. The publication and distribution of newspapers is fixed by law." Although this note is not a part of the Constitution, it is a good key to the meaning of those who wrote it. As will be noted later, this article has fallen far short of guaranteeing freedom of speech and of the press in Viet Nam.

Article 17 provides that "Every citizen has the right to freedom of belief, religious practice and teaching, provided that the exercise of these rights shall not be contrary to morality," and Article 26 adds: "The state shall recognize the right of parents to choose the schools for their children, and of associations as well as individuals to open schools in accordance with conditions fixed by law." The Assembly draft had included an added provision in Article 17, "The state respects all religions"; and a note in the Assembly *Journal* had interpreted this to mean that "No religion shall be considered the state religion." At the suggestion of the President this sentence was deleted. Of course there is little danger of an established church so long as Catholics are so powerful in the government yet constitute only a tenth of the population. The Buddhist majority traditionally has been very tolerant of all religious minorities.

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[28] See *ibid.*, June 16, 1956, p. 2.

[29] In the M.S.U. translation this paragraph reads, "Every citizen enjoys the right to freedom of the press, aimed at creating a correct and fair opinion, which the state shall protect against all acts aimed at distorting the truth."

Article 23 provides that "The right to free trade unions and the right to strike are recognized and shall be exercised in conformity with the procedures and conditions prescribed by law," save that public officials and "workers in those activities related to national defense, public security or the needs indispensable to the life of the community" have no right to strike. A clause proposed in the Assembly specifically outlawing sit-down strikes and sabotage[30] was omitted in the final draft as more appropriate for the regulatory statute.

All of these guaranties are subject to the restrictions of Articles 7 and 28, the former specifying that "All activities having as their object the direct or indirect propagation or establishment of Communism in whatever form shall be contrary to the principles embodied in the present Constitution," and the latter adding: "Whoever abuses the rights recognized by the Constitution with the object of jeopardizing the republican form of government, the democratic regime, national freedom, independence, and unity shall be deprived of his rights."[31] In addition, Article 98 provides that "During the first legislative term"—that is, until October 1, 1959, unless the term is extended by an emergency decree—"the President may decree a temporary suspension of the rights of freedom of circulation and residence, of speech and the press, of assembly and association, and of formation of labor unions and strikes, to meet the legitimate demands of public security and order and of national defense."

Constitutional Amendments. Chapter IX provides that if either the President or two-thirds of the Deputies propose an amendment, the Assembly shall meet in special session "to designate a committee of at least fifteen members charged with studying the proposal and with seeking the advice of the Constitutional Court and of the President." Within a maximum of sixty days, this committee shall report to a second special session. Passage, either in the first instance or on second reading following a veto, requires assent of three-fourths of the total membership.

Article 89 specifies that "Articles 1, 2, 3 and 4 and this article of the Constitution shall be neither amended nor abrogated." Of course neither political theorists nor public lawyers have yet devised a plan to make such a limitation effective. In this case there is even an element of self-delusion. Article 1 reads, "Viet Nam is an independent, unified, territorially indivisible Republic." The Preamble makes it clear that this refers to "the entire Nation from the Point of Ca-Mau to the Gate of Nam-Quan." The bitter fact is that the nation already is effectively divided at the 17th Parallel. It will take more than a Constitution to make Southern writs run north of that line.

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[30] See part 4 of the note in the Assembly *Journal* to Art. 24 of the Assembly draft.

[31] Art. 54 provides that "No Deputy may be . . . sentenced because of anything he may have said or any vote he may have cast in the Assembly or any of its committees." Had the committee draft prevailed, this would "not cover speeches, writings, or acts of such a nature as to endanger the security of the state." *The Times*, May 19, 1956, p. 2.

V. COMMENTS

In complimenting the Constitutional Assembly upon its June draft and recommending the final changes, President Ngo stated: "The vital issue is to establish an effective state apparatus. . . . A weak and powerless Executive will bring about discontent and indignation. . . . This might pave the way to revolution. . . . A strong and efficient executive organization capable of rapidly solving the complex and urgent problems, is a guarantee for the democratic regime."[32]

There can be no doubt that this Constitution continues "a strong and effective state apparatus." It may even be that at its present stage of political development and in its crucial and tense situation, Viet Nam can neither understand nor afford the luxury of any other type of governmental organization. I say "may even be" merely to indicate that the issue at least is debatable. My own opinion is that a clearer recognition of democratic liberties would not weaken, but on the contrary would strengthen the government in its struggle for survival in the shadow of Communism.

This may come as a normal development under the Constitution as written. Certainly no amendment to it would be necessary to accomplish the changes that I envisage as most necessary: development of a strong and independent judiciary; development of effective leadership within the legislative branch; the discontinuance of arbitrary arrests and imprisonment based on mere administrative decisions, without judicial trials; recognition that disagreement is not disloyalty, and that an honest difference of opinion, even on crucial issues of the day, can safely be debated in the press as well as within the halls of the legislature.

I will discuss only some aspects of the last two items. They will suffice to illustrate my point that the factors at work are more basic than the language of the Constitution.

Administrative Imprisonment. "From the beginning Diem has ruled virtually as a dictator. South Viet Nam is today a quasi-police state characterized by arbitrary arrests and imprisonment, strict censorship of the press and the absence of an effective political opposition."[33] One tires of the "spontaneous" demonstrations that are staged with distressing frequency, and of the ever-present evidences of the strength-through-joy youth movement so effectively organized by the Ministry for Information and Youth.[34] It is more distressing to find that "Behind the façade of photographs, flags and slogans there is a grim structure of decrees, political prisons, concentration camps, milder 'reeducation centers,' secret police."[35]

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[32] *The Times,* October 20, 1956, p. 2.

[33] Wm. Henderson, "South Viet Nam Finds Itself," *Foreign Affairs,* January, 1957, p. 285.

Presidential Ordinance No. 6 of January, 1956, provides that "individuals considered dangerous to national defense and common security" may be confined by executive order or obliged to reside under police supervision in a fixed place. No provision is made for any hearing, either judicial or administrative. Supposedly intended to apply only to Communists, the ordinance has been widely utilized. Even *The Times of Viet Nam*, in its issue for February 23, 1957, did not dispute that the number of political prisoners is probably between 7,000 and 8,000. A vicious three-week riot in the Chi Hoa Jail in May, 1956, was due largely to the fact that some 2,000 persons had been imprisoned there for months without trial or hearing or even formal charges.

Article 10, if honestly followed, should end secret arrests and detentions, since at least there will be an official record of the issuance of the warrant of arrest. But it falls far short of what is needed. Nor would provision for writs of *habeas corpus*, so widely advocated by American commentators, solve the problem. There is nothing magical about such writs. They merely require the authorities to justify the detention; and it would suffice to cite the above ordinance to do this. What is needed most is a provision—whether constitutional or statutory is of secondary importance, save that the first might prove more permanent—guaranteeing a prompt preliminary hearing before a magistrate followed either by immediate release or a prompt public trial. Only then will the "right to counsel" guaranty of Article 10 take on real significance. And only then can Viet Nam say that it has replaced naked discretion with the rule of law.

Freedom of the Press. Formal press censorship, so far as local periodicals are concerned, was abolished on February 20, 1956. However, this must be considered in the light of other developments, including the issuance on the same date of Decree No. 13 relating to press offenses. The foreign press still is under strict censorship, and some local periodicals, such as *The Times of Viet Nam*, submit their copy for voluntary censorship.[36] Books and pamphlets may be published or sold only by special licenses in each case.[37]

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[34] The Minister, Tran Chanh Thanh, spent five years as supervisor of the administration of justice in 18 northern provinces for Ho Chi Minh before deserting to the South in 1952. This may explain some of the Southern parallels to Communist tactics.

[35] John Osborne, "The Tough Miracle Man of Vietnam," *Life*, May 13, 1957, p. 164.

[36] The government is the largest purchaser of periodicals and other publications. The 1957 budget of the Department of Information carried an item of 24 million piasters (about $350,000) for this purpose. In defending this item when it was under attack in the Assembly as a subsidy to favored publishers, the Department stated that it "buys Vietnamese papers and books to supply the information centers in the provinces, districts and villages and the poor quarters of Saigon. There are about 10,000 such offices. The Department regrets not having been able to buy more than one newspaper, and so has chosen one giving the largest number of items which are credible and reflect 'a constructive and

Turning to the Vietnamese press, the first factor to consider is that publication of a newspaper requires a license, and that the Constitutional Assembly made it clear by the entry in its *Journal* that Article 16 was not intended to put an end to this. Newsprint can only be secured through a second license. Once printed, the papers can be distributed only through an agency set up by the War Veterans' Association, which is the only agency licensed under the decree of December 14, 1955, to engage in such activities. The War Veterans' Association is headed by General Nguyen Ngoc Le, Director General of Police and security; and issues that do not meet with government approval seem to have bad luck in reaching the vendors. Sometimes an entire issue is confiscated.[38]

Presidential Decree No. 13 of February 20, 1956, provides prison sentences up to five years in addition to heavy fines and a suspension of publication privileges for printing misleading statements that can be "exploited by subversive elements" or otherwise endanger security and order. The first periodical to be proceeded against under it was the weekly news magazine, *Van Nghe Tu Do*. As summarized in *The Times of Viet Nam* for July 14, 1956,

> The case was started by the Department of Information on May 4, after the publication by the magazine of a series of open letters to several groups of deputies in the Constituent Assembly and an article criticizing the Department of Information for having authorized the showing in several Saigon-Cholon theaters of the movie *Tinh Han* (Frustrated Love). According to the magazine, the movie was of such a nature as to arouse communist-style class hatred. Charging that the magazine was defaming the Constituent Assembly and the deputies; critizing the Constituent Assembly in a manner favorable to the Communists and detrimental to the nation; publishing libelous comments about the Department of Information; and falsely interpreting the policy of the Anti-Communist Denunciation program, the Department of Information issued instructions to withdraw the magazine's publication license and confiscate two of its last issues.

On July 9, the magazine's editor, Mac Thu, and its feature editor, Nguyen Hoat, were convicted of violating the decree, although one of their defenses was that the very acts denounced by them could be exploited by the Communists against the national regime.[39] The trial was widely attended by representatives

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sincere opinion' in accordance with the spirit advocated by Article 16 of the Constitution." It added that it buys "all local papers without exception" for study, and foreign-language papers for distribution at home and abroad. *The Times*, February 23, 1957, p. 3. I am advised that sales of the weekly edition of *The Times* total 6,500 copies per issue, of which the government buys 4,000: of these 2,000 are for distribution overseas, 1,000 for use by army personnel studying English, and 1,000 for all other uses.

[37] The recent filming in Saigon of *The Quiet American* attracted extraordinary attention because the book has been banned there. The few copies in the hands of American residents were in great demand.

[38] As in the case of the March 5, 1957 edition of the daily *Dan Chu*, which contained an account of certain activities of the man who had attempted to assassinate the President at Ban Me Thuot. To the best of my knowledge, no charge ever was made questioning the accuracy of the account. *Dan Chu* enjoyed a reputation among the American newspapermen in Saigon as one of the very best local papers.

[39] See the account given in the *Saigon Daily News Round-Up* (a United States Operations Mission publication, hereafter cited *NRU*) for July 10, 1956, item 2.

of the foreign press, and perhaps because of this even the light jail sentences (2 months and 3 months, respectively)—but not the fines—were suspended. Of course the magazine remained closed for some months.

The unfortunate events of February 22, 1957, at Ban Me Thuot led to the suspension of two of the country's most highly regarded papers, the weekly *Duong Song* and the daily *Dan Chu*. The Citizens' Assembly, the Catholic political party whose leader served as Speaker of the Assembly, had organized a fair to celebrate the successful resettlement of refugees in the hitherto unexploited highlands north of Dalat. As the President approached the stand to participate in the opening ceremonies an attempt was made upon his life by a young man armed with a machine pistol, which jammed on the first shot. Although the Minister of Agrarian Reform, Do Van Cong, was wounded, the ovation given the President was so loud that most of those present were unaware of what had taken place. The ceremonies continued without interruption.

Father Vu Dinh Trac, editor of the *Duong Song*, published an editorial in his March 2 edition entitled, "On the margin of the assassination attempt," which was reprinted three days later in the *Dan Chu* under the lead, taken from the editorial, "Many refugee centers are organizing mass prayers so that heaven will guard the President in permanent security and clearsightedness." Unhappily for the editors, the following phrases in this editorial caught the eyes of the public prosecutors (I have italicized the offending words): "Pray the Almighty to keep the President in good health and clearsighted so that the confidence of the early beginnings can be *regained*," and "generally speaking at the present time both the government and the people should act *more* wisely." Father Vu noted his peril from the first phrase, and in his edition of March 9 he reprinted the editorial, substituting "to *preserve* the confidence of the early beginnings." The correction was ignored. Both he and Vu Ngoc Cac, the editor of the *Dan Chu*, were convicted on March 22 of "publishing defaming editorials which could be exploited by the Communists," and sentenced to eighteen months' imprisonment each. The papers were closed down.

It is impossible to convince many Vietnamese that the real reason for these prosecutions was not the refusal of both papers to cater to the government by publishing, unedited, their frequent propaganda hand-outs. *Dan Chu*, for example, had even declined to publish a speech of Madam Ngo Dinh Nhu on the occasion of the holiday of the sisters Truong, legendary Vietnamese heroines. To coin a phrase, *caveat selector*.

Such prosecutions are not the only risks run by editors who assert their independence, as those who published the daily *Le Song* and the weekly *Tien Thu* discovered. The Constitutional Assembly debates during May and June, 1956, had made it clear that the Assembly did not intend to accept the division of the nation at the 17th Parallel as permanent. The *Tien Thu* published a series of articles in June suggesting that although it agreed with the government that the Geneva agreement for an election the following July should not be recognized—the French, rather than the South Vietnamese, having signed it—still, the government might well enter into negotiations with the North to explore the possibility of ultimately reuniting the country. I copy the account in *The*

Times of Viet Nam[40] as to what followed on July 12, 1956, although I witnessed part of it myself.

> A crowd of several hundred persons gathered this afternoon in Tao Dan park close to the Presidential Palace, then marched in good order on a newspaper office two blocks away, on Gia Long Street. Anti-Communist slogans were shouted along the way. A few persons displayed banners carrying other slogans. In front of the office . . . the demonstrators stopped and blocked its entrance. By that time, crowds of onlookers had gathered around the place, blocking the street entirely. Excitement started running high and more slogans were shouted. A few began running into the newspaper office and the mass followed. During the next half an hour the mob broke windows and doors, wrecked furniture and threw stacks of newspapers and newsprint out onto the street where the crowd proceeded to tear them to pieces, littering the entire block. The publisher of Le Song . . . was pulled out of his office by several demonstrators who began beating him up when some policemen intervened and protected him from the mob's violence.
>
> The demonstrators gathered again in good order in the street and marched on toward the center of town. In front of the National Assembly building and the National Security Office they stopped and shouted anti-Communist slogans. . . . The demonstration finally broke up toward 5 P.M.

The account continues, explaining how the mob got the wrong paper and the wrong publisher by mistake, as the two periodicals occupied adjoining offices, and that the weekly *Tien Thu* was suspending publication.

So far as I have been able to learn, no action ever was brought against any of those who participated in these raids. A month later the Director of the Information and Press service held his regular fortnightly press conference, which was summarized in part by a United States Operations Mission publication as follows: "Concerning freedom of the press, the Information director said he was on the side of the newsmen. He said that they may write on what is useful to the public but that is not yet realized by the government."[41] Perhaps he was speaking with his tongue in his cheek. In any case, his words implied that the government was not "acting wisely." Less than a year later such a statement, when published by an editor, was to prove criminal.

Similar raids on two opposition weeklies, the *Thoi Luan* and the *Tan Dan*, occurred last September 6 and were repeated the following morning, the mobs in each case being estimated as in excess of a thousand persons. Although the government had warned these papers of "mounting tension," the police "arrived at the scene a little late after the manifestants' departure."[42] When the revived *Tu Do* editorialized against such mob violence, it too was raided.[43] While the perpetrators of these raids went unpunished, the editor of the *Thoi Luan* was fined for publishing articles endangering public security. These consisted of letters from readers protesting frequent fines by price control agents and the refusal of the armed forces to release men who had completed their periods of service as set by law.[44]

The *Thoi Luan* continued to speak out against the government, and its

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[40] *The Times*, July 14, 1956, p. 2.

[41] *NRU* for August 24, 1956, item 4.

[42] *The Times*, September 14, 1957, p. 3.

[43] *Id.*

[44] *Daily Times*, November 20, 1957, p. 1.

March 1, 1958 issue was confiscated before distribution because of an article commenting upon the problem of security and repeating certain statements that had appeared in *Newsweek*. On March 13 the editor was given a ten months' suspended jail sentence and a heavy fine. The publication permit of the paper was suspended.[45]

President Ngo has stated unqualifiedly that the government must control the press, lest the Communists pour money into the South and through false and misleading propaganda completely confuse the people. Undoubtedly he is correct. Viet Nam is not the United States. But somewhere between the unbridled liberty that our press enjoys[46] and prison sentences for prayers that "the confidence of the early beginnings be regained," there must be a happier medium that will meet the needs of strong government without copying the tactics of the opposition. It is the task of statesmanship to find that happy medium.

VI. CONCLUSION

The President warned the Constitutional Assembly that "the working out and promulgation of a constitution constitutes only a first step on the path to the edification of a democracy."[47] Tran Van Lam, in accepting the Speakership of the new Legislative Assembly, stated that "the task now is to breathe vital strength into the newly promulgated Constitution and at the same time to give it a really democratic spirit."[48] Truer words have never been spoken. The Constitution of 1956 ultimately can serve as the basis for the erection of a democratic state in South East Asia. But it cannot bring about that result.

Just as Rome was not built in a day, democracy in South East Asia cannot be expected in a period of three years. My own guess is that it cannot be erected by a single man or even in a single generation, although I earnestly hope that I am wrong. In the case of Viet Nam it will require a broader base of popular education, a reorganization of the system of land tenure, and a new outlook toward man in his relation to society, all matters beyond the scope of this paper. For as President Ngo has stated, "Democracy is not a group of texts and laws, to be used and applied. It is essentially a state of mind, a way of living with the utmost respect toward every human being, ourselves as well as our neighbors. It requires from each of us infinitely greater efforts, understanding and good will than any other form of government."[49] But as I stated to a Vietnamese audience, "Given that understanding and good will, it is by far the best form of government yet designed."[50] The prize is worthy of the struggle.

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[45] *Daily Times*, March 14, 1958, p. 1.

[46] I trust that an American audience will not be too harsh in judging the Vietnamese because of these shortcomings. Our own First Amendment, it will be recalled, was followed by the Alien and Sedition Acts under conditions certainly far less explosive than those facing Viet Nam. In fact, many of our present-day conceptions of justice that we like to attribute to the Constitution were actually post-18th Century developments.

[47] *The Times*, October 20, 1956, p. 2.

[48] *Ibid.*, December 22, 1956, p. 2.

[49] *Ibid.*, September 8, 1956, p. 3.

[50] J. A. C. Grant, "Vai Y Kien Ve Viec Soan Thao Hien-Phap Nuoc My" ("Some reflections on the drafting of the American Constitution"), *Viet My* (Journal of the Vietnamese American Association), December, 1956, pp. 17 and 23; *The Times*, September 8, 1956, p. 3.

A CRITIQUE OF THE RULING ELITE MODEL

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A great many people seem to believe that "they" run things: the old families, the bankers, the City Hall machine, or the party boss behind the scene. This kind of view evidently has a powerful and many-sided appeal. It is simple, compelling, dramatic, "realistic." It gives one standing as an inside-dopester. For individuals with a strong strain of frustrated idealism, it has just the right touch of hard-boiled cynicism. Finally, the hypothesis has one very great advantage over many alternative explanations: It can be cast in a form that makes it virtually impossible to disprove.

Consider the last point for a moment. There is a type of quasi-metaphysical theory made up of what might be called an infinite regress of explanations. The ruling elite model *can* be interpreted in this way. If the overt leaders of a community do not appear to constitute a ruling elite, then the theory can be saved by arguing that behind the overt leaders there is a set of covert leaders who do. If subsequent evidence shows that this covert group does not make a ruling elite, then the theory can be saved by arguing that behind the first covert group there is another, and so on.

Now whatever else it may be, a theory that cannot even in principle be controverted by empirical evidence is not a scientific theory. The least that we can demand of any ruling elite theory that purports to be more than a metaphysical or polemical doctrine is, first, that the burden of proof be on the proponents of the theory and not on its critics; and, second, that there be clear criteria according to which the theory could be disproved.

With these points in mind, I shall proceed in two stages. First, I shall try to clarify the meaning of the concept "ruling elite" by describing a very simple form of what I conceive to be a ruling elite system. Second, I shall indicate what would be required in principle as a simple but satisfactory test of any hypothesis asserting that a particular political system is, in fact, a ruling elite system. Finally, I shall deal with some objections.

I. A SIMPLE RULING ELITE SYSTEM

If a ruling elite hypothesis says anything, surely it asserts that within some specific political system there exists a group of people who to some degree exercise power or influence over other actors in the system. I shall make the following assumptions about power:[1]

1. In order to compare the relative influence of two actors (these may be individuals, groups, classes, parties, or what not), it is necessary to state the scope of the responses upon which the actors have an effect. The statement,

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[1] See Robert A. Dahl, "The Concept of Power," *Behavioral Science*, Vol. 2 (July 1957), pp. 201–215.

"A has more power than B," is so ambiguous as to verge on the meaningless, since it does not specify the scope.

2. One cannot compare the relative influence of two actors who always perform identical actions with respect to the group influenced. What this means as a practical matter is that ordinarily one can test for differences in influence only where there are cases of differences in initial preferences. At one extreme, the difference may mean that one group prefers alternative A and another group prefers B, A and B being mutually exclusive. At the other extreme, it may mean that one group prefers alternative A to other alternatives, and another group is indifferent. If a political system displayed complete consensus at all times, we should find it impossible to construct a satisfactory direct test of the hypothesis that it was a ruling elite system, although indirect and rather unsatisfactory tests might be devised.

Consequently, to know whether or not we have a ruling elite, we must have a political system in which there is a difference in preferences, from time to time, among the individual human beings in the system. Suppose, now, that among these individuals there is a set whose preferences regularly prevail in all cases of disagreement, or at least in all cases of disagreement over key political issues (a term I propose to leave undefined here). Let me call such a set of individuals a "controlling group." In a full-fledged democracy operating strictly according to majority rule, the majority would constitute a controlling group, even though the individual members of the majority might change from one issue to the next. But since our model is to represent a ruling elite system, we require that the set be *less than a majority in size*.

However, in any representative system with single member voting districts where more than two candidates receive votes, a candidate *could* win with less than a majority of votes; and it is possible, therefore, to imagine a truly sovereign legislature elected under the strictest "democratic" rules that was nonetheless governed by a legislative majority representing the first preferences of a minority of voters. Yet I do not think we would want to call such a political system a ruling elite system. Because of this kind of difficulty, I propose that we exclude from our definition of a ruling elite any controlling group that is a product of rules that are actually followed (that is, "real" rules) under which a majority of individuals could dominate if they took certain actions permissible under the "real" rules. In short, to constitute a ruling elite a controlling group must not be *a pure artifact of democratic rules*.

A ruling elite, then, is a controlling group less than a majority in size that is not a pure artifact of democratic rules. It is a minority of individuals whose preferences regularly prevail in cases of differences in preference on key political issues. If we are to avoid an infinite regress of explanations, the composition of the ruling elite must be more or less definitely specified.

II. SOME BAD TESTS

The hypothesis we are dealing with would run along these lines: "Such and such a political system (the U. S., the U.S.S.R., New Haven, or the like) is a ruling elite system in which the ruling elite has the following membership." Membership would then be specified by name, position, socio-economic class, socio-economic roles, or what not.

Let me now turn to the problem of testing a hypothesis of this sort, and begin by indicating a few tests that are sometimes mistakenly taken as adequate.

The first improper test confuses a ruling elite with a group that has a high *potential for control.* Let me explain. Suppose a set of individuals in a political system has the following property: there is a very high probability that if they agree on a key political alternative, and if they all act in some specified way, then that alternative will be chosen. We may say of such a group that it has a *high potential for control.* In a large and complex society like ours, there may be many such groups. For example, the bureaucratic triumvirate of Professor Mills would appear to have a high potential for control.[2] In the City of New Haven, with which I have some acquaintance, I do not doubt that the leading business figures together with the leaders of both political parties have a high potential for control. But a potential for control is not, except in a peculiarly Hobbesian world, equivalent to actual control. If the military leaders of this country and their subordinates agreed that it was desirable, they could most assuredly establish a military dictatorship of the most overt sort; nor would they need the aid of leaders of business corporations or the executive branch of our government. But they have not set up such a dictatorship. For what is lacking are the premises I mentioned earlier, namely agreement on a key political alternative and some set of specific implementing actions. That is to say, a group may have a high potential for control and a *low potential for unity.* The actual *political effectiveness* of a group is a function of its potential for control *and* its potential for unity. Thus a group with a relatively low potential for control but a high potential for unity may be more politically effective than a group with a high potential for control but a low potential for unity.

The second improper test confuses a ruling elite with a group of individuals who have more influence than any others in the system. I take it for granted that in every human organization some individuals have more influence over key decisions than do others. Political equality may well be among the most Utopian of all human goals. But it is fallacious to assume that the absence of political equality proves the existence of a ruling elite.

The third improper test, which is closely related to the preceding one, is to generalize from a single scope of influence. Neither logically nor empirically does it follow that a group with a high degree of influence over one scope will necessarily have a high degree of influence over another scope within the same system. This is a matter to be determined empirically. Any investigation that does not take into account the possibility that different elite groups have different scopes is suspect. By means of sloppy questions one could easily seem to discover that there exists a unified ruling elite in New Haven; for there is no doubt that small groups of people make many key decisions. It appears to be the case, however, that the small group that runs urban redevelopment is not the same as the small group that runs public education, and neither is quite the same as the two small groups that run the two parties. Moreover the small group that runs urban redevelopment with a high degree of unity would almost certainly disintegrate if its activities were extended to either education or the two political parties.

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[2] C. Wright Mills, *The Power Elite* (New York, 1956), *passim.*

III. A PROPOSED TEST

If tests like these are not valid, what can we properly require?

Let us take the simplest possible situation. Assume that there have been some number—I will not say how many—of cases where there has been disagreement within the political system on key political choices. Assume further that the hypothetical ruling elite prefers one alternative and other actors in the system prefer other alternatives. Then unless it is true that in all or very nearly all of these cases the alternative preferred by the ruling elite is actually adopted, the hypothesis (that the system is dominated by the specified ruling elite) is clearly false.

I do not want to pretend either that the research necessary to such a test is at all easy to carry out or that community life lends itself conveniently to strict interpretation according to the requirements of the test. *But I do not see how anyone can suppose that he has established the dominance of a specific group in a community or a nation without basing his analysis on the careful examination of a series of concrete decisions.* And these decisions must either constitute the universe or a fair sample from the universe of key political decisions taken in the political system.

Now it is a remarkable and indeed astounding fact that neither Professor Mills nor Professor Hunter has seriously attempted to examine an array of specific cases to test his major hypothesis.[3] Yet I suppose these two works more than any others in the social sciences of the last few years have sought to interpret complex political systems essentially as instances of a ruling elite.

To sum up: The hypothesis of the existence of a ruling elite can be strictly tested only if:

1. The hypothetical ruling elite is a well-defined group.
2. There is a fair sample of cases involving key political decisions in which the preferences of the hypothetical ruling elite run counter to those of any other likely group that might be suggested.
3. In such cases, the preferences of the elite regularly prevail.

IV. DIFFICULTIES AND OBJECTIONS

Several objections might be raised against the test I propose.

First, one might argue that the test is *too weak*. The argument would run as follows: If a ruling elite *doesn't* exist in a community, then the test is satisfactory; that is, if every hypothetical ruling elite is compared with alternative control groups, and in fact no ruling elite exists, then the test will indeed show that there is no minority whose preferences regularly prevail on key political alternatives. But—it might be said—suppose a ruling elite *does* exist. The test will not *necessarily* demonstrate its existence, since we may not have selected the right group as our hypothetical ruling elite. Now this objection is valid; but it suggests the point I made at the outset about the possibility of an infinite regress of explanations. Unless we use the test on every possible combination of individuals in the community, we cannot be certain that there is not some combination that constitutes a ruling elite. But since there is no more *a priori* reason to assume that a ruling elite does exist than to assume that one does not exist, the burden of proof does not rest upon the critic of the hypothesis, but upon its proponent. And a proponent must specify what group he has in mind as his ruling elite. Once the group is specified, then the test I have suggested is, at least in principle, valid.

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[3] Mills, *op. cit.;* Floyd Hunter, *Community Power Structure* (Chapel Hill, 1953).

Second, one could object that the test is *too strong*. For suppose that the members of the "ruled" group are indifferent as to the outcome of various political alternatives. Surely (one could argue) if there is another group that regularly gets its way in the face of this indifference, it is in fact the ruling group in the society. Now my reasons for wishing to discriminate this case from the other involve more than a mere question of the propriety of using the term "ruling elite," which is only a term of convenience. There is, I think, a difference of some theoretical significance between a system in which a small group dominates over another that is opposed to it, and one in which a group dominates over an indifferent mass. In the second case, the alternatives at stake can hardly be regarded as "key political issues" if we assume the point of view of the indifferent mass; whereas in the first case it is reasonable to say that the alternatives involve a key political issue from the standpoint of both groups. Earlier I refrained from defining the concept "key political issues." If we were to do so at this point, it would seem reasonable to require as a necessary although possibly not a sufficient condition that the issue should involve actual disagreement in preferences among two or more groups. In short, the case of "indifference vs. preference" would be ruled out.

However, I do not mean to dispose of the problem simply by definition. The point is to make sure that the two systems are distinguished. The test for the second, weaker system of elite rule would then be merely a modification of the test proposed for the first and more stringent case. It would again require an examination of a series of cases showing uniformly that when "the word" was authoritatively passed down from the designated elite, the hitherto indifferent majority fell into ready compliance with an alternative that had nothing else to recommend it intrinsically.

Third, one might argue that the test will not discriminate between a true ruling elite and a ruling elite together with its satellites. This objection is in one sense true and in one sense false. It is true that on a series of key political questions, an apparently unified group might prevail who would, according to our test, thereby constitute a ruling elite. Yet an inner core might actually make the decisions for the whole group.

However, one of two possibilities must be true. Either the inner core and the front men always agree at all times in the decision process, or they do not. But if they always agree, then it follows from one of our two assumptions about influence that the distinction between an "inner core" and "front men" has no operational meaning; that is, there is no conceivable way to distinguish between them. And if they do not always agree, then the test simply requires a comparison at those points in time when they disagree. Here again, the advantages of concrete cases are palpable, for these enable one to discover who initiates or vetoes and who merely complies.

Fourth, it might be said that the test is either too demanding or else it is too arbitrary. If it requires that the hypothetical elite prevails in *every single case*, then it demands too much. But if it does not require this much, then at what point can a ruling elite be said to exist? When it prevails in 7 cases out of 10? 8 out of 10? 9 out of 10? Or what? There are two answers to this objection. On the one hand, it would be quite reasonable to argue, I think, that since we are considering only key political choices and not trivial decisions, if the elite does not prevail in *every* case in which it disagrees with a contrary group, it cannot properly be called a ruling elite. But since I have not supplied an independent definition of the term "key political choices," I must admit that this answer is not wholly satisfactory. On the other hand, I would be inclined to suggest that in this instance as in many others we ought not to assume that political reality will be as discrete and discontinuous as the concepts we find convenient to employ. We can say that a system approximates a true ruling elite system, to a greater or lesser degree, without insisting that it exemplify the extreme and limiting case.

Fifth, it might be objected that the test I have proposed would not work in the most obvious of all cases of ruling elites, namely in the totalitarian dictatorships. For the control of the elite over the expression of opinion is so great that overtly there is no disagreement; hence no cases on which to base a judgment arise. This objection is a fair one. But we are not concerned here with totalitarian systems. We are concerned with the application of the techniques of modern investigation to American communities, where, except in very rare cases, terror is not so pervasive that the investigator is barred from discovering the preferences of citizens. Even in Little Rock, for example, newspaper men seemed to have had little difficulty in finding diverse opinions; and a northern political scientist of my acquaintance has managed to complete a large number of productive interviews with White and Negro Southerners on the touchy subject of integration.

Finally one could argue that even in a society like ours a ruling elite might be so influential over ideas, attitudes, and opinions that a kind of false consensus will exist—not the phony consensus of a terroristic totalitarian dictatorship but the manipulated and superficially self-imposed adherence to the norms and goals of the elite by broad sections of a community. A good deal of

Professor Mills' argument can be interpreted in this way, although it is not clear to me whether this is what he means to rest his case on.

Even more than the others this objection points to the need to be circumspect in interpreting the evidence. Yet here, too, it seems to me that the hypothesis cannot be satisfactorily confirmed without something equivalent to the test I have proposed. For once again either the consensus is perpetual and unbreakable, in which case there is no conceivable way of determining who is ruler and who is ruled. Or it is not. But if it is not, then there is some point in the process of forming opinions at which the one group will be seen to initiate and veto, while the rest merely respond. And we can only discover these points *by an examination of a series of concrete cases where key decisions are made:* decisions on taxation and expenditures, subsidies, welfare programs, military policy, and so on.

It would be interesting to know, for example, whether the initiation and veto of alternatives having to do with our missile program would confirm Professor Mills' hypothesis, or indeed any reasonable hypothesis about the existence of a ruling elite. To the superficial observer it would scarcely appear that the military itself is a homogeneous group, to say nothing of their supposed coalition with corporate and political executives. If the military alone or the coalition together is a ruling elite, it is either incredibly incompetent in administering its own fundamental affairs or else it is unconcerned with the success of its policies to a degree that I find astounding.

However I do not mean to examine the evidence here. For the whole point of this paper is that the evidence for a ruling elite, either in the United States or in any specific community, has not yet been properly examined so far as I know. And the evidence has not been properly examined, I have tried to argue, because the examination has not employed satisfactory criteria to determine what constitutes a fair test of the basic hypothesis.

BACON'S IMPERIALISM

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To understand the political philosophy of Francis Bacon, or what he tried to do in political philosophy, one must make the clear-cut distinction he saw, I believe, between a provisional and a definitive political teaching. The latter, which he put chiefly in the *New Atlantis* and the *De Sapientia Veterum*, could be but imperfectly explored, because man could only build a final political teaching out of an as yet unconstructed natural philosophy. The former, on the other hand, could be known and conveyed with some precision. It was to serve the purpose of furnishing a temporary station for mankind, one that would be liveable and even comfortable as a dwelling place, and one that would at the same time, permit philosophy or science its own discovery of something better. Of the provisional political order, as Bacon saw it, there were three pillars: crown, church, and empire. The imperial pillar is certainly the most important to him of the three, and its construction required a greater boldness than the construction of either of the others.

I

The central idea in Bacon's treatment of foreign policy is the idea of "greatness." It is in the title of his longest, and, in the final edition, his central essay, and it is in the title of one of his most important political papers.[1] Yet, while there are at least three kinds of greatness in Bacon—greatness of men, greatness of "kingdoms and estates" or national greatness, and greatness of times—he does not tell us explicitly what he means by greatness. The idea of greatness of commonwealths is, of course, an ancient one. Yet ancient writers who spoke of national greatness often adopted an apologetic tone, insisting that conquests were originally defensive, or that conquests were necessary for a people to hold what they had.[2] With the growth of Roman power, however, the idea of the greatness of commonwealths received an ineluctable impetus. The greatness of Rome has been admired by political philosophers as different as Cicero, Machiavelli, Montesquieu, Rousseau, and, with some reservations, the authors of the *Federalist.* But there was more than one Rome, and at a time when Vergil was, at least apparently, glorifying the age of Roman greatness, Livy was deploring its decay. And in the Seventeenth Century, while British monarchists were praising the Roman Empire, British republicans were glorifying the Roman republic.[3]

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[1] "True Greatness of Kingdoms and Estates," 29th Essay, *Bacon's Essays*, W. A. Wright, ed. (London, 1939); "True Greatness of the Kingdom of Britain," in *Works*, Spedding, Ellis, and Heath, ed., (Boston, 1861), XIII, 231 ff.

[2] Xenophon, *Cyropaedeia: cf.* VII, C. 5, 77 and 70; Thucydides, *Pel. War*, I, 75; II, 63, 58; IV, 61–62; V, 104, etc. Sallust, *Catiline*, Par VI. "At Romani, domi militiaeque intenti. . . . "

[3] See Zera S. Fink, *The Classical Republicans* (Evanston, 1945), *passim.*

Did Bacon's concept of national greatness, or the greatness of "kingdoms and estates," represent any marked change from the tradition of Roman greatness? The Latin writers who admired Roman greatness saw in that greatness a unity of magnitude, longevity, and quality. Greatness implies the long endurance of the extraordinary. A great nation or a great city is a model for others. It inspires, whether through reality or myth, the conviction that its glory is something that may come again to man. To men dissatisfied with their own fatherland, it engenders a vicarious patriotism. To men dissatisfied with the present, a great past serves to remind them of the greatness they might have.[4] Whether that greatness has a real advantage for the private citizen is a question not completely resolved. Pericles, as reported by Thucydides, suggested that the benefit of the polis was more to the advantage of private citizens than any individual well-being, if the latter were coupled with the humiliation of the polis.[5] Were national greatness identical with public virtue, we might accept this statement, but in our own time we have seen the locus of public and private virtue often assigned to small states, freed of jingoistic pride and the driving necessity to maintain their place in the sun: states like Norway, Israel, Denmark, Switzerland. What may be resolved in the highest case, of a nation both politically and morally great, may not be so easy to discover in the ordinary case. It is not hard to understand that while Rome, with its power, its long endurance and its durable contribution to the history of the western world, was a model for others, it was a model of uncertain stamp; or that it was more than one model.

Vergil traces Roman greatness to a glorious past, even suggesting the ancestry of the Julian house in Ilium, and promises for Rome a great future. That promise is first one of magnitude and longevity; the realms of the Nile and the Caspian are said to tremble at the coming of Augustus. Yet it is also a promise of quality, of peace and justice:

> Tu regere imperio populos, Romane, memento
> (hae tibi erunt artes), pacisque imponere morem,
> parcere subiectis et debellare superbos.[6]

Rudolph Arbesmann, O.S.A., has pointed out that Augustine questioned the sincerity of those who promised eternity to earthly empires, suggesting that Vergil "put the words containing the promise of 'dominion without end' to the Romans purposely into the mouth of Jupiter, 'a false god' and 'deceptive prophet,' thus indicating that it was not his own (the poet's) conviction, but only a compliment paid to the pride of the Romans." Augustine found Vergil's true belief, as Father Arbesmann points out, in the passage in the *Georgics* where, in speaking of the power of Rome, Vergil refers to "Kingdoms doomed to fall." Without having investigated the question, I think it is more logical to accuse a great writer of flattering an emperor than of misleading history, and so that Augustine's interpretation makes sense.[7] Allowing, however, for all this, and for Tacitus's complaint that the spirit of adulation of the Augustan age lowered the dignity of Latin authors,[8] there is no doubt of Vergil's explicit high praise for the mixture of power and humanitarianism that characterized imperial Rome, and has commanded the respect of subsequent generations that loved peace and condemned slavery or oppression. How different were the laments of Cicero, Livy and Sallust! To Cicero, Rome had lost at least much of its greatness, because Sulla had changed it from a *patrocinium terrae* into an *imperium*, Caesar had destroyed the republic and replaced it with a tyranny, the laws of war and peace had been disregarded, and the ancient customs had been completely forgotten. To Livy, the "principal" people of the world, proceeding from slender beginnings, had created a regime which was never surpassed in greatness or righteousness. The rise of luxury and avarice, and the decline of poverty and thrift, were harbingers of Rome's decline. To Sallust too, avarice was the seed of corruption. To these men, the greatness of Rome was probably a memory.[9]

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[4] Plato, *Critias, passim;* Machiavelli, Discourses, I, Preface.

[5] II, 60.

[6] *Aeneid,* VI, 851–3. *Cf.* I, 257 ff; VI, 793 ff; VIII, 626 ff, 715 ff.

History has inherited more than one conception of Roman greatness, distinct and often irreconcilable. The Roman republic, on the one hand, was admired for magnitude, longevity, and moral quality: its people were austere, devoted, hard-working, thrifty, and free. And later generations were to remember that Dionysius of Halicarnasuss had described the history of the republic from Romulus to Gaius Gracchus as 630 years without internecine bloodshed.[10] The Roman Empire, on the other hand, was admired for magnitude, longevity, and "civilization": its people were powerful, cultivated, and relatively humane. Let me stress that my present concern is not with the correctness of either representation, but with what each meant historically.

The whole problem of the relative greatness of the two Romes was put aside, though not so radically as we might expect, by Christian writers. Indeed, Eusebius ends his *Ecclesiastical History* with a panegyric on Constantine, which comes dangerously close to identifying the future of Roman greatness with the emperor's conversion. Father Arbesmann points to the honor which Tertullian demanded of Christians for the Roman Emperor, and to the dismay Jerome felt over the storming of Rome by Alaric.[11] The feeling, even of Christian writers, that the fall of Rome would mean the fall of the ancient world, was significantly changed by Augustine. And that altered sentiment brought a corresponding change in the concept of national greatness, which in turn was to influence Christian thought profoundly until its modification by the secular trends of which Bacon was a prime mover. Augustine felt and regretted deeply the tragedy of the times when Rome was sacked. Yet there is some reason to believe that he could not, even from the limited view of earthly felicity, have admired Rome. Granted that the peace which it brought was, as Lowith says, a "condition for spreading the gospel," and that Augustine on that account must have preferred its full-blown development to its infant stages, Rome had serious drawbacks. Moral virtue and earthly felicity—legitimate, though hardly sufficient, aims to a Christian writer—pointed to the superiority of the moderate state over the great empire. Just as the moderate man was more felicitous than the rich man, the moderate city was more felicitous than the rich city, or the distracted city. The virtues Cicero and Sallust had found in a more primitive city had long since ceased to exist. Even by Cicero and Sallust they were seen chiefly in a remote past, and likened rather to a colored painting than a "living reality." At one point Augustine seems to prefer those "barbarians" who, contrary to the laws of war of the Roman world, spared the Romans, and spared them for Christ's sake. And since the author regards it as his aim in the *City of God* to "persuade the proud of the great virtue of humility," he must have regarded the pride of the Romans as a particular target.[12]

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[7] Rudolph Arbesmann, O.S.A., "The Idea of Rome in the Sermons of St. Augustine," in *Augustiniana*, IV (1954), 305–324, p. 316. *Aeneid*, I, 278 ff; *Georgics*, II, 498.

[8] *Annals*, I, 1.

[9] Cicero, *De Officiis*, II, 26–28; I, 36–37, 61; III, 85–86; *De Re Publica*, II, 29; V, 1; Livy, *Ab Urbe Condita Praefatio*, par. 9, 11 and *passim*. Sallust, *Catiline*, X. See also Tacitus, *Agricola*, *passim;* Plutarch, *Moralia: Fortune of Romans*, *Fortune and Virtue of Alexander the Great*, opening of essay on Romulus in *Lives;* Augustine, *City of God*, II. 21.

[10] Fink, *op. cit.*, p. 8

[11] Eusebius, *Ecclesiastical History*, X, esp. X, 9.3. *Cf.* Karl Lowith, *Meaning in History* (Chicago, 1949), p. 171. Arbesmann, *loc. cit.*, pp. 307–8.

II

Whatever the foreboding of Christian writers for the doom of Rome, it was not, twelve and more centuries later, primarily Catholic writers who thought in terms of the restoration of an imperialism on the Roman model. Indeed, Machiavelli's admiration for ancient institutions is presented in express repudiation of Christian institutions. It was republican rather than autocratic Rome that had been farthest from Christian influence, unconverted and strongly dependent on its ancient superstitions; yet it was in republican Rome that the private citizen was freed of the humiliation of which Pericles had spoken. Bacon's own imperialism, and his concept of national greatness, must be understood less as a heritage from ancient pagan and Christian writers than as a counterpart to Machiavelli's essentially anti-Christian attempt to reconstruct republican Rome, with various Machiavellian improvements. Yet even Machiavelli was not, as has been noted, without admiration for the Empire; he accepted the decline in political liberty, under the good emperors from Nerva to Marcus Aurelius, as a fair price for the growth in intellectual liberty.[13] Bacon, on the contrary did not regard "learned times and politic times" as distinct, but said that the "same times that are most renowned for arms are likewise most admired for learning."[14] There can be little question that, however much Bacon might cite Egypt, Assyria, Persia, Greece and Rome, he had before his eyes the example he considered most telling: Elizabethan England.

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[12] See *Preface;;* also I, 1, 30; II, 17 ff; III, 10, 14; IV, 3, 15; V, 12, 18, 19 ff, in *City of God*. *Cf.* Karl Lowith, *op. cit.* ch. 9.

[13] *Discourses*, I, 10; *cf. ibid*, I, 6; II, 13; III, 1. Leo Strauss, unpublished Walgreen lectures on Machiavelli.

[14] *Advancement of Learning*, Bk. 1, Ch. II, Par. 2. But compare 58th Essay, "Of Vicissitude of Things," final paragraph.

This example may lead us to recognize Bacon's departure from earlier views of national greatness. We should expect Bacon to think more highly of imperial Rome and less highly of republican Rome than Machiavelli did. I rest that expectation not simply on aesthetic attractions, such as Bacon's apparent regard for the trappings of monarchy or his rather snobbish contempt for plebians, but on the much more important consideration of leisure—a relief from public functions for those best equipped to bring the "relief of man's estate." Yet Bacon's preference is by no means unequivocal.[15] His praise and blame of republican institutions is matched by his praise and blame of the Caesars. The impossibility of inferring a perfect example of national greatness from either of these historical experiences suggests the inadequacy of both, and indicates that Bacon intended a more radical departure from the greatness of past ages.

Two significant differences at once suggest themselves: Rome was not originally a Christian power, and it was not primarily a naval power. Both Christianity and naval power play roles in Bacon's treatment of national greatness. In his insistence that greatness does not depend on bulk or "fall under measure," Bacon turns to the parable of the mustard seed.[16] This use of the parable is, to put it mildly, highly questionable. What Christian writers admired about Rome was the peace it brought when full-grown, not the expansive policies of its earlier days. What Bacon's use of the parable suggests, on the contrary, is that he would prefer the seed to the tree itself. Whatever that means, it emphatically does not mean peace. While his use of the parable is an analogy rather than an exegetic construction, it is none the less blasphemous, from a Christian point of view, because it ignores Augustine's strictures of earthly glory. Yet Bacon's admiration for the love of fame as the political passion which led to justice has an analogy in national fame, or in the greatness of kingdoms and estates. And Bacon was bold enough to draw the analogy. He participated, as Machiavelli had done before him, in the effort to restore the pagan idea of greatness. Bacon, however, added to that effort a Christian, or a pseudo-Christian, twist. The analogy is vulnerable, not merely because it suggests a concept of national greatness that is fundamentally pagan, but also because it is a faulty analogy. The kingdom of heaven, like a mustard seed, may develop both internally and externally. The character of its internal development is obvious. Externally, the kingdom of heaven can grow, on earth, by a wider conversion to the true faith. That conversion is essentially international. To use the analogy of the parable of the mustard seed for an exposition of national greatness is not only to substitute worldly glory for the glory of God. It is also to substitute national imperalism for international conversion. Whereas the kingdom of heaven is accessible to all by means of the theological virtues, Bacon's mustard tree is accessible to all only by means of British expansion and conquest. Its fulfillment is not only divergent from, it is, most strikingly, antithetical to the fulfillment of the kingdom of God in history.

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[15] *Advancement of Learning*, Bk. 2, Ch. XXII, 13; Essay 55; *Works*, XII, 27–33; *De Aug.*, VIII, in *Works*, III, 106; also the praise of the Roman "triumph" in the 29th Essay.

[16] "True Greatness of Kingdoms and Estates," "True Greatness of the Kingdom of Britain," "Considerations Touching a War with Spain." Compare *Matthew*, 12: 31 ff; *Mark*, 4: 31 ff; *Luke*, 13: 19.

That the parable of the mustard seed is used as an analogy for imperial expansion is absolutely clear and strengthened by the fact that, in the *De Augmentis* (the Latin enlargement of the *Advancement of Learning*) Bacon incorporates a translation, with few changes, of his essay on "The True Greatness of Kingdom and Estates," calling it here "Example of A Summary Treatise on Extending the Bounds of Empire." There are, Bacon says, three political duties.[17] They are: to preserve, to render happy and flourishing, and to amplify, the bounds of empire. The last of these is the neglected one, and has not, Bacon says, been treated. This is hardly surprising, for while the first two would have been readily accepted by most political writers as legitimate political duties, the idea that imperial expansion is a *duty* is seldom presented in such shocking nakedness. Neither Dulles nor Khrushchev would be quite so forthright. Bacon, indeed, does not really spell out the precise character of the imperial duty, or tell us why it is a duty. Nor can a decisive answer be given, I think, on the basis of the provisional teaching. A few things, however, are clear. Bacon includes the translation of his twenty-ninth essay in the *De Augmentis* in order to make up for the absence of such studies in political philosophy. It is certainly to this essay that we must look to find Bacon's meaning of national greatness, though he says there is "nothing in civil affairs more subject to error" than the true interpretation of the meaning of national greatness or imperial expansion.[18] The duty to expand is not only the most neglected duty in theoretical discussion; it is also the most difficult, both in theory and in practice. Bacon himself suggests one reason for the difficulty and for the neglect when he adds, at the end of his Latin version: "To what purpose indeed is this study, when the Roman monarchy is going to be the last (as it is believed), among the mundane."[19] The suggestion that the Roman experience had not been repeated shows us something of the difficulty of fulfilling this duty. The suggestion that it was not expected to be repeated helps to explain the neglect of this subject by Christian writers. The neglect of imperial expansion by ancient writers Bacon thought comprehensible in the light of the fact that imperialism was contrary to the classical virtue of moderation. What is harder for us to understand is Bacon's neglect of Machiavelli. If imperial expansion is a duty, it is a duty of which Machiavelli was fully aware, and to which he gave a good deal of attention. It is true that Machiavelli considers the prolongation of an empire a function, in part, of the celerity of its conquests, one of the two chief causes of the dissolution of the Roman republic.[20] He cannot therefore be regarded as a complete imperialist, for he saw Roman greatness partly in the acquisition of an empire, and Roman weakness partly in the fact that it was too quickly accomplished. When Bacon suggests that, in the twenty-ninth essay, he is writing something brand new, he may be supposed to have regarded Machiavelli's treatment of the subject as insufficient, and certainly as different from his own.

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[17] *Works*, III, 120 ff.

[18] Compare "True Greatness of Kingdoms and Estates" in Essay 29 with "True Greatness of the Kingdom of Britain" (near beginning).

[19] *Works*, III, 134.

[20] *Discourses*, III, 24.

III

Strictly speaking there is little that goes beyond Machiavelli in either the twenty-ninth essay or the paper on "The True Greatness of the Kingdom of Britain." In both essays, the primary thesis seems to be that while national greatness is certainly a material good, it does not rest chiefly on wealth (amplitude of territory, fertility of the soil, "treasure," or fortifications). But Machiavelli too suggested that "money is not the sinews of war;" and deprecated undue trust in fortifications and dependence on mercenary troops. If national greatness does not depend, therefore, on wealth, upon what does it depend? The Baconian answer can best be summarized in a few words: public spirit and proper location. In order, however, that either public spirit or geography may contribute to national greatness, the idea that Rome was, or would prove to be, the last great empire had to be abandoned. In other words, a change in what we should call the moral climate was necessary. This change is the most crucial one in Bacon's view of imperialism. To see it more clearly, however, let me turn first to the twin goods of public spirit and strategic location, and the good which derives from their unity: naval power.[21]

Bacon did not speak, of course, of public spirit as such. In a tone reminiscent of the famous speech of John of Gaunt from *Richard II*, he spoke of "breed" and "disposition." The chief ingredient of this breed is fortitude, the virtue of the "stout and warlike" people. A nation that wishes to be great must profess arms as its principal study. And if expansion is a duty, we must infer that every just nation will profess arms as its principal study. Through its study of arms it will produce men of iron, and iron subjugates gold, as Solon is supposed to have told Croesus. Fortitude, which is a virtue of adversity, is "more heroical" than temperance, which is the virtue of prosperity.[22] Yet the praise of adversity rings strangely on Baconian chimes, and we are obliged to wonder whether Bacon really admired fortitude so much as the twenty-ninth essay suggests. Certainly the brave and warlike people had to join other qualities with fortitude. Duels, Bacon says, are not valiant, because they are unjust. Glory is not true valor. The Spaniards have a "valor of glory," but the English have a "valor of natural courage," and, "Spanish valor lieth in the heart of the looker-on; but the English valor lieth about the heart of the soldier."[23] The brave and warlike people had, moreover, to have less desirable qualities. Vainglory, which

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[21] "True Greatness of the Kingdom of Britain," *Works*, XIII, 243; "True Greatness of Kingdoms and Estates," *Essays* (Macmillan), 121; Machiavelli, *Discourses*, II, 10.

[22] Essay "Of Adversity."

[23] "Charge Touching Duels," *Letters and Life*, IV, 101 (J. Spedding, ed., London, 1861); "Considerations Touching a War with Spain," *ibid.*, VIII, 483.

Bacon probably did not admire, and idleness, which he certainly disliked, were characteristics of the "breed and disposition" of the great nation. We are given the continuous impression that Verulam is a little afraid of the profession of arms as the principal study of the brave and warlike people, and that the heroical virtue that he admired is rather functional than honorific. Iron is better than gold, because the iron of fine soldiers will take the gold of the Indies, rather than because the heroic virtues are morally superior to the mercantile virtues—the virtues associated with the spirit of capitalism. I do not suggest that Bacon did not admire bravery, simply that his admiration for bravery is functional rather than categorical, as I hope in the sequel to show.

If fortitude is a national virtue, fortitude is part of a widely shared public spirit, or breed and disposition. A nation fit for imperial expansion must be a well populated nation. Bacon saw clearly the weakness of Spain, a nation "thin sewn" with people.[24] As Bacon seems to have envisaged a combination of international professional troops and a national militia, the population would have to be ready to serve in the militia; that is, the warlike disposition would have to be fairly widespread. For yeomen, "free servants," and practitioners of certain "manly" arts (*e.g.*, carpentry), that was no problem. Bacon knew, however, that a large population of "sedentary" and, by inference, "unmanly" artisans, could be fatal to the breed and disposition he had in mind. After rejecting, not without regret, the ancient solution to this problem, slavery, as contrary to Christian law, Bacon proposes the introduction of foreigners to pursue the unmanly arts. A nation that has a "liberal" naturalization policy is fit for empire.[25] That means, as Bacon granted, a rejection of Sparta in favor of Rome. But there were difficulties involved in Bacon's acceptance of Roman imperialism. One, as he said, was the Christian rejection of slavery. Another was the fact that Baconian imperialism was a naval imperialism. That meant more seamen and relatively fewer soldiers. It also meant more freedom and less fortitude.

IV

To understand this problem we must put the opinion, or the public spirit, of our own times in the context of the thought of former times. Fortitude is always a very doubtful virtue, for it is a virtue associated with war, and every decent man prefers peace to war, as Bacon certainly did. It is, moreover, associated with manliness, and manliness is a characteristic of one part, and not necessarily the most virtuous part, of the community. In Plato's *Republic*, fortitude suggests the conservation of lawful belief, and becomes almost identical with conformity, though, in the context of the *Republic*, conformity with the good.[26] Hence it becomes a provisional but still necessary virtue. Moreover a virtue which is doubtful, so long as it is directed to a doubtful goal, is not necessarily doubtful intrinsically, once the legitimacy of that goal is admitted. The question, then, is whether, once the necessity for virtue in warfare is established, that virtue is purely functional, that is, directed towards the cessation of war and the goal of victory, or whether that virtue is, given the situation of the soldier, categorical. The functional character of modern culture is indicated by the fact that modern political commentators see nothing strange in the great safety precautions taken on behalf of statesmen, generals, or kings. They find the flights of princes and governments into exile a matter of course, and they consider certain generals as indispensable men, whose self-exposure could only be regarded as folly. Plato would not have so regarded it, and from Plato's doctrine to ours is a long and slow development in which Bacon is a milestone. Of course, as anyone familiar with Churchill's description of the Battle of Britain knows, my brush is too broad to paint an accurate picture. The British Prime Minister was persuaded, after much life amid bombing, and with great difficulty, to accept a bomb-proof shelter for night raids.[27] I am here concerned, however, not with the abundant heroism of our time, but with a perspective towards that heroism. The change in perspective can be illustrated by comparing an important passage in which Bacon speaks of the need to master the sea with a parallel passage in Plato.

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[24] "Considerations Touching a War with Spain," *loc. cit.* 463.

[25] "True Greatness of the Kingdom of Britain."

[26] *Republic*, 429 B ff.

"He that commands the sea," says Bacon, "is at great liberty, and may take as much and as little of the war as he will."

"Marines," says Plato, "are habituated to jumping ashore frequently and running back at full speed to their ships, and they think no shame of not dying boldly at their posts when the enemy attacks."[28]

I am aware of the pillage done to the Platonic irony by thus quoting a passage out of context, but surely there are serious inferences to be drawn from Plato's statement. Whatever the irony in the Platonic passage, there is a clear preference for the regime of citizen soldiers over the less moral regime of commerce, a sufficient contrast with Bacon. The precise reason for condemning naval warfare in Plato becomes, in Bacon, the great military advantage of naval warfare. Relatively few changes in the history of ideas are so radical as this one, wherein what once was a vice becomes a virtue.

To effect such a change, many smaller changes in men's minds were needed. Some of them relate to the fact that naval greatness is added to military greatness. Bacon was not a militarist, in any sense in which that term is likely to be comprehensible to us. He felt the need to adjust the martial virtues to a society of industrious civilians. So, while the military element is primary in national greatness, it never stands alone. Bacon could insist on the subordination of the role of military men in politics and the dangers of military popularity.[29] Yet that does not dislodge the identification of national greatness with military greatness. Nor does the insistence on naval power, however profoundly it may affect the character of imperialism. For the expansive republican Rome, admired by Machiavelli, Bacon substitutes the brave and warlike island people, whose geography necessitates the acquisition rather of remote than of contiguous territories. The wealth of Bacon's warlike people lay in the Indies, waiting for whoever could unite fortitude with interest, and seize these fabulous riches. To Machiavelli, the mainstay of warfare was the infantry, an infantry that would lead to the democratization of the army and the defeat of baronial power. To Bacon, the mainstay of modern warfare was the fleet, a fleet that could protect his own England, enlarge the bounds of Empire, permit the rise of sailors from the ranks, and lay open the wealth of the Indies.

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[27] *Their Finest Hour* (Boston, 1949), p. 375 and *passim*.

[28] "True Greatness of Kingdoms and Estates," 128; *Laws*, 706 C–D.

[29] *Letters and Life*, II, 174; III, 313.

V

To see to what extent Bacon's identification of national greatness with naval power represented a change in political thinking, we may turn to the discussion of geographical problems in "The True Greatness of the Kingdom of Britain." Bacon, who saw that large territory, like large treasure, was not invariably a political asset, said that a large territory could be a political asset if four other conditions existed: compactness, the maintenance of the branches by the stem, a corresponding martial virtue, and the absence of unprofitable regions. The requirement of compactness does not refer to colonization. Compact empires are those which do not require their armies to march through hostile territory, or which need not hold land as hard to hold as Calais was for England, or the Low Countries were for Spain. The compact empire might include Rome, as Bacon suggested. It would exclude both Athens and Sparta.

The second requirement (without which a large territory would become a liability) referred to a dynamic politico-geographic relationship, one which could employ the metaphor of heart and arteries. What was intended was not a mystical idea such as latter-day writers have conceived while using similar terms, but simply the necessity to keep the heart strong. That meant a concentration on all such questions as naturalization, citizenship, immigration and emigration. If merchants were the "gate-vein" of the state, the citizens were the arteries. Sparta had weak arteries; Spain, a nation "thin-sewn," must also have had weak arteries, to mix the metaphor. But Rome, whose naturalization policy Bacon admired, and tried to recommend, with modern twists in the case of the Post-Nati (those born after the union of Scotland and England), had strong arteries.[30] Taken together the first two requirements for a large empire mean that the parent country must find colonies that are accessible without too great a struggle, and must keep them accessible by continued strengthening of the citizen population in one way or another.

The third requirement follows almost necessarily from these; for citizenship and "breed" are not things readily separated. Extend citizenship, and an empire must extend its breed and disposition. A naturalized Roman belongs to the stout and warlike; sedentary and "withindoor arts" are fit for aliens, allies, and slaves. Yet even Rome saw the disposition of its people change, and a once stout people found empire too burdensome for their advanced age to carry.

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[30] *Works*, XIII, 238–9; "True Greatness of Kingdoms and Estates," 125–6; "Post-Nati" *Works*, XV, 194 ff; "Plantation in Ireland;" *cf.* Machiavelli, *Discourses*, I, 6; II, 3; III, 49.

The fourth requirement was the absence of an unprofitable part. At first glance, it seems relatively unimportant, especially as he applies it to Britain, which was not without barren rocks and moors chiefly useful for novels and prisons. But the meaning is clear: an empire is not for glory. The danger of a large empire, including the Roman empire, is that

> of twenty thousand men
> That for a fantasy and trick of fame
> Go to their graves like beds, fight for a plot
> Whereon the numbers cannot try the cause,
> Which is not tomb enough and continent
> To hide the slain.[31]

If Rome fulfilled the first two requirements, it is most unlikely that she fulfilled the last. Even if she did, the Europe which Bacon knew seemed an inappropriate setting for the huge Roman empire, if the first two requirements were demanded. The possibility of compactness and of a large empire supporting branches by means of a strong stem, in the Stuart England following Elizabeth, was relatively slender. And the objections to English power in Calais, and to Spanish power in the Low Countries, could certainly be applied to French or Spanish power in Italy or to Imperial power in Germany. Remembering that these requirements for large empire were intended to serve as models for Britain, that the very title of the paper in which they appear refers to the greatness of the Kingdom of Britain, we must also recall that Bacon never recommended British continental expansion. His potential opponent was nearly always Spain.[32] He preferred to contrast the "rootless" forces of the "thin-sewn" nation with the compact Britain which could shower its benefits on Scotland and Ireland (how fervently Burke was to urge the same conduct towards Ireland almost 200 years later),[33] and which could strengthen itself by a "spring and seminary of military people as in England, Scotland, and Ireland, and of seamen in this island and the Low Countries."[34] The Low Countries, no asset to Spain, who could not hold them, became Britain's greatest ally; but Britain too should not conquer them, and Elizabeth was right in refusing them. These conditions of territorial expansion would be prerequisite to an empire internally and externally secure. Britain's compact and insular situation, her position fronting the ocean, not unlike that which (Bacon finds) Egypt once so favorably enjoyed, her possibility of added internal strength from Scotland and Ireland, and the very dose of avarice in her glory all contributed to give her the fit situation for imperialism. This must have been what Machiavelli failed to see, and this seems to be what makes Bacon's own discussion of national greatness and the duties of expansion unique, filling a gap in learning, which had remained empty during centuries of philosophic quest.

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[31] *Hamlet*, IV, 4.

[32] *Letters and Life*, VII, 463.

[33] *Letters and Life*, VII, 463; Plantation in Ireland, *Letters and Life*, IV, 116 ff. Burke, *Works* (Boston, 1865), II, 247 ff; IV, 217 ff, 241 ff.

[34] *Letters and Life*, VII, 463, 469.

VI

If, indeed, Bacon's radical departure from Machiavellian thought, and, indeed, his own contribution to the problem of imperialism in political thought can be so simply put, is it really a major change? It seems small enough until we consider that naval power means much more than a transitory command of the sea. It means much of the modern world. It means the merchant who conducts stout and warlike enterprises without leaving Lombard or Beacon Street, like Sir Joseph Porter, whose only ship was a junior partnership. It means the service of valor as an instrument of avarice and ambition. It means the substitution of mercantile honor for monarchical honor, of the adventure of the visitor to far-flung shores for the adventure of the chivalric gesture. It means that the virtues of the community—wisdom, justice, friendship, moderation—are to be replaced by the virtues of the private man—abstemious, thrifty, counting gains and losses, and rather self-contained than self-sufficient. Carried to an absurdity it means what I once heard a clergyman's wife say: that the renunciation of alcohol for a successful career in insurance was a perfect instance of visible grace. It means, in short, the aggrandizement of well-being and the diminution of goodness. It means a world in which virtuous people are neither great-souled nor merely nice, but cautious.

That it meant most of these things to the Lord Verulam is not too hard to see. A naval empire is particularly appropriate to an atomistic society. According to Thucydides, Pericles praised the pleasantness of private life in Athens, where men could do as they chose. The same Pericles called Athenian naval power its great strength. Athens, however, found remote territories hard to hold.[35] A century of exploration and discovery had made an advantage of remoteness. The naval power available to Britain far transcended the Athenian. Yet Bacon knew very well, and the Athenian experience helped to bear it out, that the disposition to acquire and the disposition to hold an empire were not always the same; there was no assurance that a people who were disposed to take empire would be disposed, through the centuries that followed, to hold it. This too pointed in the direction of naval power, for a naval empire may be more easily held absent-mindedly than a land empire. Yet we have seen that it was not Bacon's way to rely solely on absent-mindedness. A public spirit had to be created. That public spirit can be described as healthy adversity—a disposition hungry but not starving. The stout and warlike people are also a people whose gentlemen do not multiply too fast, whose taxes are not too burdensome, whose land is distributed in "convenient plenty," who are not ruined by enclosures, and who are encouraged by sufficient largess to take to the sea.[36] Treasure, like territory, is a burden unless joined with valor, mediocrity and distribution, and serviceability.[37] Bacon shared that dislike for ostentatious liberality that accompanies the spirit of capitalism, but his imperialism obliged him to seek a contented yeomanry.

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[35] Thucydides, II, 37, 62; V, 99; VI, 11; Isocrates, *On the Peace*, 29 ff. But compare Sallust, *Jugurtha*, Speech of Sylla at 103.

[36] "True Greatness of Kingdoms and Estates."

[37] "True Greatness of the Kingdom of Britain."

The requirement of serviceability suggests the deposit of wealth in the hands which are quick to move it—the merchant class. In that, as in much else, Bacon was clearly a forerunner of Locke, and of the kind of naval imperialism we associate with Halifax. But, while it is easy to fancy that Locke might sympathize with the deployment of wealth in the hands of "merchants, burghers, tradesmen, freeholders, farmers in the country and the like," or the succinct sentence that "The Low Countries have the best mines, above ground, in the world," or with the polemic against the Sutton will, it is much harder to understand his sympathizing with the famous Bacon remark that money is like muck, "not good if it be not well spread." Yet Locke, like Bacon, a hedonist, was to see the origin of rights in pain and suffering, just as Bacon saw the roots of imperial power in adversity.[38] If the originality of the Twenty-Ninth essay, on which Bacon emphatically insisted, lay in its discussion of "population," that population must be seen chiefly in three terms: its actual and potential size, its capacity for soldiering, and its capacity for mercantile power. In the first two Bacon followed Machiavelli, although in the *New Atlantis* he was to make a critical change in both. The third was his own. And it meant a substitution of the British regime for the Roman.

The substitution of British greatness for Roman greatness meant among other things, a new kind of colonialism. That in turn meant, as we have seen, leaving the continent alone. Colonialism meant an opportunity for new beginnings, for constitution making, for what is sometimes considered the highest act of statesmanship. It is therefore all the more surprising that the discussion of new beginnings in Bacon is rare and thin. Bacon puts the founders of commonwealths and kingdoms in the first category of "sovereign honor."[39] Yet his own "prince," Henry VII, "The English Solomon" belongs only in the third category. That Bacon did not discuss the problem of new beginnings in a systematic way indicates that, for whatever reason, the discussion of new beginnings was either unnecessary for proper colonialism or was unavailable.

Baconian imperialism was new; it was a long neglected duty. Yet Bacon himself did not spell out the character of that duty. It was not therefore part of his provisional teaching, and the most serious reasons for his reticence relate rather to his definitive teaching. Apparently, for British colonialism, the British political way was sufficient. It was not like the Roman Empire, conquering a civilized and cultivated Greece. It involved bringing what Bacon would have considered a superior to an inferior civilization. Yet even that assurance must be modified in the light of the incomplete dialogue on the "Holy War." It is not possible to identify with assurance the opinion of Bacon with the opinion of any of the speakers in this unresolved debate. Yet we must take note of the fact that Martius, the military man, points out that the bringing of Christendom to Peru and Mexico was not the "adamant" of the discovery; rather, the Spaniards went for profit and glory. Martius also testifies to the high level of the Aztec and Inca civilizations, which of course was widely recognized. Yet Bacon seems to have accepted the prevailing spirit of imperialism. The union of England and Scotland was fortuitous, but the development of British power in Ireland and overseas was something that could be sought and planned. Emigration was encouraged, and, in Ireland, the "carrying of an even course between the English and the Irish." Colonialism was moderate, mutually advantageous, a jump above the European continent, where England's potential rivals had been torn by wars.[40]

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[38] "True Greatness of Kingdoms and Estates," True Greatness of the Kingdom of Britain," Essay 15 "Of Seditions and Troubles," Essay 5 "Of Adversity;" compare Leo Strauss, *Natural Right and History*, pp. 250–1 and citations from Locke therein.

[39] Essay 55, "Of Honour and Reputation." See Howard B. White, "The English Solomon," 24 Social Research (Winter, 1957), pp. 457–481.

VII

Navigation, however, was not simply an instrument; it was an allegory. Command over the sea meant command over the mysterious unknown. And naval power meant, at the highest level, the power over the human mind. Unless we milk this allegory, we can never draw the rich Baconian sustenance of the *New Atlantis*. To show, however, that the allegory is part of the provisional teaching, which is our present purpose, we must square Baconian imperialism with his professed love of peace. For Bacon, however, the primary instrument of peace is science, a panacea that is slow but certain, demanding that we wait for its miraculous cure. The secondary instrument is diplomacy, a precarious but omnipresent reality. It is on this secondary instrument that Bacon, in his provisional political teaching, relied. Diplomacy can restrain hostile nations, but it cannot eliminate them. There are four principal, and fluid, impediments to hostility: the situation of full hands (*aliud agere*), the want of a way to approach near to the enemy, the apprehension of difficulty, and a "dull humour."[41] The fourth is, at least in the Baconian universe, vicious; the second is largely natural. The first, to some extent, and the third, more decisively, are matters of diplomacy. We may be mistaken, however, if we push too far the report of a speech which Spedding considers inaccurate and fragmentary. Indeed, we cannot say whether, in context, these impediments are general, or only impediments of a state that has already decided on hostility. If the former, the lack of a virtuous love of peace as an impediment to hostility is significant. If the latter, the whole passage is much less meaningful. In either case, however, the enumeration tells us something of the role of diplomacy in restraining a hostile adversary. By diplomacy, difficulties can certainly be apprehended, and their apprehension can be clarified; the want of an approach to the enemy can be pointed out; and the full hands of an enemy can sometimes be made fuller by conspiracy. Diplomacy demands, however, a show of strength. It operates, as is generally recognized, to balance, or at times to unbalance power.

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[40] *Letters and Life*, I, 160–61; III, 45 ff, 235; IV, 116, 120; Essay 33 "Of Plantations." "Holy War," *Works*, XIII, 191 ff.

[41] "Speech on Matter of Subsidy" (1597), *Letters and Life*, II, 87.

We see this in Bacon's treatment of Henry VII, and we see it in his essays, where Henry VIII, Francis I of France and the Emperor Charles V are said to have kept such a watch over one another as to prevent each other from aggressive conquest.[42] The balance between these monarchs depended, however, on mutual strength and mutual skill. The very nature of diplomacy rendered this balance precarious. A treaty might be expected to retain or redress the balance of power, but treaties are handled by Bacon with more than his customary cynicism.

In the interpretation of the fable of the river Styx, for instance, Bacon says that the Styx stands for necessity. The oath taken by the river was the dread oath of antiquity,[43] far transcending in majesty, according to Bacon, all other oaths. Bacon applies this fable to treaties, which are held only by necessity, and not by pledges. The idea that necessity is the highest and most effective political pledge, particularly in matters of foreign policy, where the law is at its most ineffective, is neither startling nor shocking. But Bacon goes farther than that. In effect he denies the dependence on an oath, or on a religious tradition, altogether. Even Machiavelli, not unaware of the political value of necessity, praises Rome for its piety, and points out that a fidelity even to oaths exacted under duress contributed to Roman greatness.[44] And in the Christian tradition, the oath was a serious and effective instrument of foreign policy. Bacon could not have known the admirable discussion of oath-taking as an instrument of peace in Grotius.[45] He could, however, have known most of Grotius' sources, and the fact that fidelity to one's pledged word was regarded as an impediment to hostility could not altogether have escaped him.

Bacon's denial of a significance to oaths in foreign policy is not a mere matter of moral insensitivity. He names the statement attributed to Lysander, that "children are to be deceived with comfits, men with oaths," among the evil arts which should not be taught or practised.[46] Ancient oath-taking and oath-keeping is a part of heroic virtue. Cicero discusses the oath of Regulus, and his return to Carthage and torture, as an instance of fortitude. The discussion of oaths among juristic writers in later times was part of the Christian effort to humanize foreign policy.[47] Bacon, who certainly saw the importance of oaths in the constitutional policy of Elizabeth and James, seems here to have accepted that distinction between the extreme situation, where the law does not operate, and the situation within the political order, where the law is compelling. He speaks, in the fable of the Styx, of the fact, not of the right, that treaties, whatever the solemnity and sanctity of their confirmation, are little to be depended on, and belong rather to the realm of ceremony than to the instrumentality of security. Bacon wrote little of the development of international law. He does, however, speak occasionally of the just war, and shows some familiarity with discussions of this problem among the schoolmen, occasionally quoting Augustine, Thomas Aquinas, Vitoria, and Suarez by name.[48] He mentions certain explicit differences with their doctrine, but my first question is whether the role of necessity in Bacon's doctrine does not itself suggest implicit differences. It is necessity that compels peace; the diplomatic counterpart of national greatness must be the imposition of necessity upon others. If that is the case, what happens to the whole concept of the just war?

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[42] *History of the Reign of Henry VII*, in *Works*, XI, 104–6; 126, 166–67, 170; Essay 19, "Of Empire."

[43] *Wisdom of the Ancients*, V, Styx, in *Works*, XII, 439–41.

[44] *Discourses*, I, 11; *cf.* Plato, *Laws*, 948 C; Polybius, VI, 56, 13–15; Livy, VII, v. I have discussed some aspects of this problem in an article on "The Loyalty Oath," 21 *Social Research* (Autumn, 1954), pp. 314–38.

[45] *De Jure Belli et Pacis*, II, xiii.

[46] *Advancement of Learning*, Vol. 2, XXIII, 45. According to Plutarch, Lysander said "dice," but Bacon substitutes the word "comfits."

[47] Cicero, *De Officiis*, III, 99 ff; Suarez: *Defense of the Catholic and Apostolic Faith*, VI, 9 (In Carnegie Endowment edition, translation, Volume II, 712); Grotius, *loc cit.*

VIII

In the Sixteenth Century, the concept of the just war was subjected to very careful scrutiny, and jurists were "modernizing" the concept of the just war just as philosophers were "modernizing" the concept of nature. Among the schoolmen, as Erich Hula points out, that modernization included the enlargement of the rights of sovereign states to wage war, without, however, "also cutting through the universal human ties." Moreover, the concern of Vitoria and Suarez with the lawful degree of stress also tended to equalize the belligerents and while the problem of the just war was not abandoned, the humanization of war itself demanded an accent rather on just conduct than on just causes.[49] That meant that there were more "just wars" than formerly. It also meant that, while defensive war was not considered the only kind of just war, there would be more wars styled as defensive. A rather strict concept of moral virtue tends to narrow the possibilities of a just war. The attempt to substitute "humaneness" for virtue, on the other hand, tends to broaden the concept of justice in the causes of war and to demand just restraints on the part of all belligerents. Yet, even if the concept of the just war, and even of defense, is more comprehensive among the Sixteenth Century Schoolmen than among their predecessors, it was not comprehensive enough to suit Bacon. It is possible that Bacon also contributed to the "humanization" of warfare, though he does not plead for that. It is certain that he claimed his own concept of the just war to be broader than that of Vitoria and Suarez.

Leaving aside all problems of the rights and wrongs of forcible conversion, and confining ourselves to purely civil interpretations of just warfare, we can find traditionally at least three primary causes of the just war: defense, indemnity, and vengeance. Bacon adds a fourth: apprehension. And, while Bacon insists that his interpretation of the justness of apprehension has been followed in antiquity, his insistence on the idea that a war on fear of war is defensive, and the peculiar twist that he gives to this doctrine, lend it the color of originality.

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[48] Especially *Letters and Life*, V, 9–10, 119, 387; VII, 478.

[49] See Erich Hula, "The Revival of the Idea of Punitive War," in *Thought*, Vol. 21, No. 82 (1946), pp. 405 ff., especially 432–3.

The idea that an apprehensive war, or what we should perhaps call a preventive war (and, in fact, Bacon does speak of "preventive war"), is a just war, and even a defensive war, is developed by Bacon in several contexts. In the essay, "Of Empire," he says that, in dealing with one's neighbors, there is but one general rule for princes, to "keep due sentinel, that none of their neighbors do overgrow so . . . as they become more able to annoy them than they were."[50] In such a context, all that seems to be implied is that good counsel watches over the balance of power—certainly a tried and tested principle of foreign policy. And if Bacon adds that a "just fear of an imminent danger" is a "lawful cause of war," it seems to suggest that a commonwealth seeing one nation add bit by bit to its empire, must finally stand and deny. Few would question that. It means much more than that, however, for we must not evade Bacon's doctrines of national greatness and necessity. Those who want national greatness (and, as we have seen, that is a duty) must have just causes for their wars. Somehow or other, just causes must be made available. Since men are reluctant to fight but on quarrels that are at least specious, the brave and warlike people must have the specious quarrels at hand.

To be a nation eager to quarrel, to seize upon the just occasion, a people must be in adversity and act from necessity. But a nation that has acquired national greatness is, emphatically, a prosperous nation. How does one reconcile the prosperity that comes of empire with the adversity necessary to preserve it, or with the spirit that accepts and is faithful to the grim goddess, Necessity? I can think only of Britain, which is urged to reconcile the necessity of the continent, where expansion is virtually impossible, with the expansive imperialism of naval power. Britain seems to represent, to Bacon, the reconciliation of prosperous and expansive naval power with the hungry vigilance that peers into the windows of Europe. Coupling the potentiality of British greatness with the need of man for at least a specious quarrel, we are faced with the problem of what would be, for Britain, a just war.

That Bacon differentiated between war in Europe and colonial war is abundantly clear. He thought that European monarchs should respect one another's internal situations.[51] Even in his attack on his arch-enemy, Spain, he precluded any attempt to remove the Spanish monarchy. Bacon's policy was imperial, and he sharply distinguished imperialism from the conquest of the "civilized" or western world. To set the balance of Europe aright was one thing. To disrupt that balance by creating a grave imbalance was quite another. Unless necessity compelled Britain to act on the continent, it was better for her to act elsewhere. "You must make a great difference," he said, "between Hercules' labors by land and Jason's voyage by sea for the golden fleece."[52] In context this difference appears to be an instrumental difference. To see that it amounts to a moral difference, we must return to the problem of apprehensive war.

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[50] Essay 19, "Of Empire."

[51] *Letters and Life,* I, 146.

[52] *Letters and Life,* VII, 477, 499.

Some nations have wars that are always available, teeth that are permanently set on edge. Among these nations, two, Turkey and Spain, are the most obvious fountainheads of permanent quarrels, for both have apostolic missions in warfare.[53] If that is the case, either Turkey or Spain may make war at any time; and a war against either, made out of fear, must be just. From the very doubtful character of a crusading war, it follows that a war against a potential crusader is just. Bacon certainly did not consider a war against any Catholic power whatever as a just war, or as a politic war. On the contrary, he urged an alliance with France, that politics might unite what religion divided. But Bacon did consider a war against Spain a just war, and it seems clear in his discussion of this problem, that he considered it more or less permanently just.

In his "Considerations Touching a War with Spain"[54] Bacon gives three reasons for regarding a war with Spain as a just war. The first is "upon plaint," the others "upon defence." Regarding the first, I do not deal with the historical problem. But it is here that Bacon offers his telling judgment that wars for revenge are legitimate, though "revenges are not infinite, but according to the measure of the first wrong or damage." That means, in effect, as Bacon says, that a voluntary offensive war may be turned into a necessary defensive war. Such a war may be both just and unjust; or, more exactly, it may be just on both sides though possibly at different stages. The argument that a war may be begun as a just war and continued as an unjust war, or *vice versa,* is a clear argument for limiting war.

Bacon does not rest his case for a Spanish war, however, chiefly on the ground of the recovery of the Palatinate, but on his identification of apprehensive war with defensive war. For, says Bacon, "as long as men are men . . . and as long as reason is reason, a just fear will be a just cause of a preventive war." Bacon tries to illustrate this claim by historical instances, but most of these relate to the kind of fear discussed in the essay "Of Empire," mentioned above. Bacon's own fears are of quite another stamp. They relate not simply to a disruption of the balance of power, but to the fact that Spain, like Turkey, is a crusading nation. If its very proselytism will find causes of war for Spain, the apprehension of proselytism must find causes of war for Britain. Spanish disruption of the European balance is, of course, a factor, but an equal factor is the "just fear of the subversion of our church and religion." From the fact that Spain, like Turkey, has always a specious quarrel, we may derive the fact that Britain, apprehensive of Spain as Christendom is apprehensive of Turkey, has always a just quarrel. Bacon attacks those schoolmen who insist that one must wait for the initial attack before considering a war a defensive war. He raises the doctrine of apprehensive or preventive war to a new level by insisting on the indifference between just defence and just fear. In so doing he makes the culprit the leading Catholic power, Spain. In "The Holy War" he discusses the arguments for legitimating a holy war against the Turks. It is clear from other Baconian passages, that what is true of the Turks is true, *mutatis mutandis*, of the Spaniards. As long as Spain is what it is, England has a permanent quarrel.[55]

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[53] *Ibid.,* 476 ff.

[54] *Ibid.,* 470 ff.

IX

In more general terms, what does all this mean? It means, certainly, that it is possible for a nation to have a permanently just quarrel. For example, population problems, according to Bacon, might have to be faced by some "honorable" wars.[56] But how can one assume the availability of the just quarrel for the "honorable war?" Bacon's answer is, in effect, that there will always be honorable wars: simply because there will always be hostile nations. The just nation does not fight unjust wars; but it is part of the obligation of national greatness not only to accept but also to seek the just war. As the prudent monarch or the prudent commonwealth will encourage a public spirit which will seek occasions for a just war, a state which aims at national greatness must have laws and customs which encourage impatience. Such regimes must not "sit too long upon provocation."[57] As Bacon seems to have concluded that there must always be hostile nations, so there must always be opponents of hostile nations; or, in other words, there must always be just wars. So far, that seems reasonable enough. It is another step, however, to say that there must always be incentives to just wars, which is substantially what Bacon says. The just nation may, presumably, provide such incentives. We are drawn to the doubtful conclusion that, while it is unjust for a nation unjustly to provoke war, it is quite just for a nation to provoke another nation unjustly to provoke a war, especially if the first *provocateur* can win the war. If such a doctrine does not end the doctrine of the just war, it furnishes, at least, a body blow. For, how can we trouble ourselves about unjust wars, if just wars are so easily had?

If the qualities of national greatness related in an almost peculiar way to his own Britain, Britain too was ripe for the just war. She was stronger than ever before; she had the finest soldiers, the most warlike breed of men. She was wedded to the sea. She had a greater natural courage than that of Spain. Her territories were not vast but compact, exempt from the first cause of disunion, the confusion of tongues. No enemy, whatever his intentions, had power to offend her. And Britain had, apparently in perpetuity, just "fear of overthrow from Spain."[58] As for Spain, the strength of Spain lay in treasure, where true national greatness never lay, and her treasure was the treasure of the Indies. And the wealth of the Indies, "if it be well weighed, are an accession to such as command the sea."[59] A patent invitation to impetuous, insurgent Britain! The mustard seed was a British mustard seed, and the leadership of the crusade against proselytizing Spain was emphatically British leadership. It was to Prince Charles that Bacon wrote in high hopes that an English Charles might bring an empire as a French Charles and a Spanish Charles had done. This Charles did not, in fact, do as Bacon had hoped.[60] But other generations of Englishmen took very seriously the advice that Bacon gave, so much so that the habit of Spanish wars became a boon to France.[61]

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[55] *Works*, XIII, 198; *Letters and Life*, VII, 26, 461–2, 475.

[56] *Letters and Life*, III, 313.

[57] "True Greatness of Kingdoms and Estates."

[58] *Letters and Life*, VII, 22; VI, 20; VII, 483; III, 236; I, 223; I, 168; VII, 478.

[59] *Ibid.*, VII, 499 and 464.

In Machiavelli, the scene of national greatness does not change. It was a Rome that ruled the world; and it was another Italian who, like Columbus, discovered a continent—the continent of Machiavellian political science. In Bacon, the scene of national greatness assuredly does change. It moves northwest, from the ancient seats of learning and civilization, to modern Britain. It is sea power and the disposition of sea power that makes this change. But, just as in Machiavelli, imperialism is also (and chiefly) the imperialism of Machiavelli's political science, so in Bacon, imperialism is also (and chiefly) the imperialism of Baconian science. The opening of the ocean was itself one of the advantages of the third "visitation" of learning over its Greek and Roman forebears. Added to that, the leisure which monarchy gave the best minds, the satiation of religious quarrels, and the peace of Europe, gave Bacon high hopes for the setting of learning itself. The peace, even with Spain, that learning required, had to face up to the need to prevent the Spanish Catholicization of the new world. For such a conquest, or rather for a "defensive" apprehensive war, something more universal than the Anglican church was required. To see what that was, we should have to turn from the provisional teaching which Bacon addressed principally to Englishmen to the definitive teaching which he addressed emphatically to mankind.[62]

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[60] *Ibid.*, 469.

[61] See Hume on "Balance of Power," *Essays* (London and Edinburgh, 1767), I, 367–76.

[62] *De Augmentis Scientarum*, Bk. VIII *in fine*, in *Works*, III, 172–3.

CRITICAL NOTE

LOCKE'S DOCTRINE OF NATURAL LAW

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I. Description of Locke's early essays on Natural Law.

Mr. W. von Leyden has done a service to the students of political thought by publishing for the first time Locke's recently discovered eight essays, or disputations, on natural law (John Locke, *Essays on the Law of Nature, The Latin text with a translation, introduction and notes, together with transcripts of Locke's shorthand in his Journal for 1676*, Oxford. At the Clarendon Press, 1954). These essays are the most detailed and the only coherent exposition of the doctrine of natural law which Locke ever wrote. He failed or refused to publish them. He completed them in 1664, *i.e.*, more than two decades before he finished his *Essay concerning human understanding* and his *Two treatises of government*. In 1664 he was Censor of Moral Philosophy at Oxford, and it seems that he was lecturing in that year on natural law. Eight essays were completed; he also set down the titles for three others which he never wrote. "In a continuous series Locke attached a number to each title, to those he merely contemplated as well as to those which have essays corresponding to them" (*cf.* p. 7 with pp. 134, 158 and 188). There are then eleven titles in all, the central one being "Can the law of nature be known from men's natural inclination? No"; but the essay corresponding to this title was not written.

The essays may be said to fall into four parts. The first essay considers whether a natural law exists; the next six deal or would have dealt with whether and how the natural law is known; the following three deal or would have dealt with whether and to what extent the natural law is obligatory; and the last essay deals with whether the private interest of each is the basis of natural law. The main thesis of the essays can be shortly stated: There exists a natural law which owes its obligatory power to the fact, known by the natural light, that that law is the will of God; the content of the natural law is known by the natural light which indicates what is conformable to a rational nature or to the natural constitution of man, and hence good. As a rational being, man is disposed to contemplate the wisdom and power of God in His works and to honor Him; as a being with a certain natural propensity to enter society, he has duties toward all other men, the law of nature not permitting that men are divided into hostile societies; as driven by an inner instinct to preserve himself, he has duties toward himself. All virtues (religion, obedience to superiors, truthfulness, liberality, chastity and so on), as well as abstention from robbery, theft, inchastity and murder are prescribed by the natural law. Obedience to the natural law leads men to that peak of virtue and happiness "to which both the gods call and nature tends" (pp. 110, 112, 140, 146, 156, 158, 162, 166). In all these points Locke more or less follows the traditional natural law teaching, and in particular that of Thomas Aquinas whom he even mentions once (p. 116). Accordingly he is almost completely silent in the essays about man's natural rights as distinguished from man's natural duties, and about "the state of nature." He deviates from the tradition by denying that the natural law is inscribed in the minds of men and that it can be known from men's natural inclination or from the universal consent of men, to say nothing of human or social tradition: the only way of knowing the natural law is by ascending from the sensibly perceived things to God's power and wisdom and to the necessary conclusions from these divine attributes as to what God wills man to do (pp. 124–130, 136–144, 158 n.3 and 160–178).

The denial of the possibility of knowing the natural law from man's natural inclination is obviously of the greatest importance. That denial is reflected in the very passage, occurring near the center of the essays, in which Locke, tacitly following Thomas, indicates the essential connection between natural law and the threefold natural inclination of man: whereas Thomas speaks of man's natural inclination to know the truth regarding God, Locke speaks of man's proneness to contemplate God's works and His wisdom and power in His works; whereas Thomas speaks of man's natural inclination to live in society (or whereas

Hooker speaks of "a natural inclination whereby all men desire sociable life and fellowship"), Locke speaks of "a certain natural propensity (of man) to enter society" (pp. 156–158; *cf.* Hooker, I, 10.1). Locke indicates his reason for denying man's natural directedness toward the virtues and justice near the end of the last essay: if one takes the principles of morality from man's natural inclination, one must observe what all men are actually inclined to; since there is a great variety among men in this respect, one cannot thus arrive at any principles of tolerable generality unless one starts from the natural inclinations of most men; most men are by nature inclined to their private advantage and even to their immediate private advantage; but this natural inclination is so far from supporting the virtues and justice that it rather subverts them (p. 212). "Those who have no other guide than nature itself, those in whom the dictates of nature are in no way corrupted by positive customs, live in such ignorance of every law as if no attention whatever had to be paid to the right and honorable." (p. 140) Or to quote from the *Essay concerning human understanding* (I, 3.13): "Principles of action, indeed, there are lodged in men's appetites; but these are so far from being innate moral principles, that, if they were left to their full swing, they would carry men to the overturning of all morality."

As appears from Locke's reference to men's "ideas of particular sensible things" (pp. 146, 148), to say nothing of a reference to Descartes himself (p. 136, n.2), the author of the essays on natural law had already made the decisive break with the philosophic tradition by following the lead given by Descartes or, to make use of a much later statement of Locke, he already owed "to that justly admired gentleman (Descartes) the great obligation of (his) first deliverance from the unintelligible way of talking of the philosophy in use in the schools in (Descartes') time" (*The works of John Locke in nine volumes*, Vol. III, London 1824, p. 48). Yet the young Locke was already questioning also Descartes' assertion that there is an innate idea of God (p. 154; *cf.* Hobbes' *Objections to Descartes' Meditations*, X, end). He already denied too the existence of any innate ideas: all principles, theoretical or practical, are acquired or derived from sense perception (pp. 144, 146, 148). Hence it would seem to follow that the very principles of natural law are not, as they are according to Thomas, indemonstrable, but themselves "but conclusions" as they are according to Hobbes. The influence of Hobbes on the essays on natural law appears most obviously in the rejection of universal consent as a source of knowledge of the natural law (*cf. De cive*, II, 1), to say nothing of the clear cut distinction between natural law and natural right (p. 110).

The work of the editor and translator is of more than average solidity. The defects from which it suffers are not unconnected with his judgment on the subject of Locke's essays. That subject, he says, "is now regarded by many as obsolete" (p. v). He himself follows those many. He is satisfied that "the notion of a law of nature . . .is derived from confused ideas . . . " or from the confusion of "the distinctions between rational demands, matter-of-fact propositions about reason, and the certainty of rational truth." More simply, natural law presupposes the confusion of "factual statements" (reason is an essential property of man) and "ethical assertions" (man ought to live according to reason) (pp. 44, 46). It is not improper to reply to a trite criticism by the trite observation that the notion of a law of nature is based on the distinction, and not on the confusion, between the nature of a being and the perfection or the end of that being. More particularly, the editor charges Locke with having confused "a matter of fact" (man is rational), "a way of knowledge" (man's reason leads to the discovery of the natural law), "a dogma" (the natural law is God's command) and "a logical truth" (the validity of the natural law can be proved in the same way as a geometrical theorem) (p. 59). To say nothing of other things, it is impossible to call Locke's assertion of God's existence or of those divine attributes by virtue of which the natural law is necessarily a divine command, a "dogma" unless one shows first that Locke has not succeeded in demonstrating, as he claims he did, the existence as well as the attributes in question of God. Apart from this, the editor's judgment is "unhistorical," in the sense that it runs counter to Locke's view of the state of the question, unless one shows first that contrary to what Locke says he regarded the existence of a wise and powerful God as undemonstrated. It may or may not be true that "anyone attempting to study the relation between Locke and Hobbes would have to view it in its proper historical setting, against the background of the seventeenth-century battle against Hobbism" (p. 38); it certainly is true that anyone attempting to study Locke's teaching must attempt to understand it as Locke himself understood it. As a consequence of his own dogmatism, the editor's interest in Locke's teaching cannot but be purely antiquarian or must lack that philosophic concern without which the adequate understanding of philosophic teachings is impossible.

II. A Natural Law which cannot be transgressed.

In a note to the second word occurring in the body of the essays (which is *Deus*), the editor says: "The spelling of this word in MS. A . . . and also in some of Locke's corrections in MS. B is *deus*; in this edition the word is capitalized wherever it stands for a truly theistic conception." (p. 108 n.1) It would seem then that in MS. A which is in Locke's handwriting, Locke invariably wrote *deus*. It is not clear from the cited note whether Locke invariably or only sometimes corrected the spelling *Deus* in MS. B (which is not in his handwriting) into *deus*, or whether he merely wrote invariably or only sometimes *deus* when he entered words or sentences in his handwriting in MS. B. However this may be, who has ever heard of such a thing? Locke wrote *deus*, and yet the editor takes the license of imposing on the readers his own spelling, or his private opinion as to where Locke expresses "a truly theistic conception." His fault would have been less grave if he had told us clearly what he understands by "a truly theistic conception." He says in his Introduction: "*Deus* is capitalized by me throughout, except where the word stands for 'deity' in general or for a non-Christian god." (p. 90) This would seem to mean that *Deus* is capitalized where it stands for the Christian God, the God known by the Christian or the Biblical revelation. But Locke explicitly refrains from reliance on revelation in the essays (p. 122). The proper procedure would have been simply to reproduce Locke's spelling in the text and to translate *Deus* by "God" and *deus* when it occurs in the singular by "a God" (*cf., e.g., Essay concerning human understanding*, I, 4.8–9). In the sequel I shall put questionable renderings of the translator which are of some importance into brackets. After having asserted in the first sentence of his essays the existence of a God, Locke goes on to say that it is "wicked" **[wrong]** to doubt that "some deity presides over the world." Locke wished to make it quite clear that he regarded the doubt in question as a moral wrong rather than as a speculative mistake. This is in conformity with the first sentence which reads as follows: "Since a God shows himself as everywhere present and, as it were, forces himself upon the eyes of men as much by the firm and uninterrupted course of nature now as by the frequent testimony of miracles in the past, I believe **[assume]** that there will be no one who has not decided in his mind that there is a God, provided he recognizes either the necessity for some accounting for **[for some rational account of]** our life or that there is something that deserves the name of either virtue or vice." Locke does not say that the existence of a God is evident to all men—he knew or believed to know of whole nations of atheists (p. 174)—but only that it is evident to all morally concerned men. He thus seems to indicate that the status of a demonstration of the existence of God is not exactly the same as that of geometrical demonstrations. If the recognition of virtue or vice is tantamount to the recognition of natural law (p. 118), this means not only that such recognition is the consequence of the presupposed existence of God but also, conversely, that the recognition of the existence of God presupposes the previous recognition of natural law.

Our editor himself discerns in Locke a striving towards a natural law which does not presuppose the existence of God (pp. 52, 198). Near the beginning of the essays Locke says that the orderly character of all natural things and actions justifies one in wondering whether man, alone of all natural beings, is lawless or altogether his own master; "no one will easily believe this who has given thought to God the Best and the Greatest or to the universal consent of the whole human race at every time and in every place or finally to himself or to his conscience:" in order to believe that man is subject to a law like all other beings, it is not necessary to reflect on God. Natural law may be said to have its source in nature rather than in God (p. 132). "Speculative principles . . . do not affect moral things in any respect whatever." (p. 178) This is not to deny that Locke says a few pages earlier that God and the immortality of the souls "must necessarily be presupposed if natural law is to exist," that "God and the immortality of the souls" are "principles" and that they are not "practical **[moral]** propositions" (p. 172 f.): speculative principles affect moral things decisively. Let us not be shocked by this shocking self-contradiction but rather limit ourselves to noting that according to Locke's most frequent assertion it is only knowledge of the sensibly perceived things—of the matter, the motion and the visible structure and economy of this world—and not knowledge of virtue and vice which leads necessarily to the knowledge that some God is the author of all these things: "as soon as this (*sc.* the divine origin of the visible universe) is laid down, the universal law of nature **[the notion of a universal law of nature]** by which the human race is bound, necessarily follows **[emerges]**. . . . " Miracles are sufficient or necessary for establishing the existence of a divine positive law; the natural law can be established only by the ascent from the ordinary course of things: "Whatever obtains among men the force of law, necessarily acknowledges either God or nature or man as its author; yet whatever either man has commanded or God has ordered by an oracle **[by divine declaration]**, all this is positive law." (p. 132) Natural law, we see, has its source in nature, the understanding of which is open to man as man. Here the question arises as to the way in which "the universal law of nature binds the human race." In his survey of the various names by which the natural law is known, Locke mentions the opinion of the majority according to which the natural law is that law which each can discover by the natural light and "to which (each) shows himself obedient in all points" (p. 110). Here the editor notes "Text doubtful" but he does not suggest an alternative translation. His translation can be defended if one assumes that Locke admitted a natural law which no man ever transgresses because no man can transgress it. The universal consent of mankind does not prove, as Locke emphasizes in his thematic discussion of universal consent, the existence of a natural law which man can transgress; it may very well prove the existence of a natural law which no man ever does transgress (*cf.* p. 108).

Locke adduces five arguments in order to prove the existence of a natural law. Only in the third and hence the central argument does he refer to God, or more precisely to "the wisdom of the first artificer" (p. 116). The argument makes use of a statement of Thomas on the eternal law and of a statement of Hippocrates which occurs in Hooker (whom the translator judiciously follows) in this rendering: "each thing both in small and in great fulfilleth the task which destiny hath set down." Hooker uses Hippocrates' statement when speaking of the law which natural agents, *i.e.*, agents "which keep the law of their kind unwittingly," observe, and he uses Thomas' statement when speaking of the law which "God hath eternally purposed himself in all his works to observe." The two statements which occur in Hooker thus in entirely different contexts, are used by Locke in one and the same context, one in which neither citation occurs in Hooker, namely, in the context of a discussion of natural law. Locke's apparent misuse of the citations nevertheless makes sense if one assumes that he is speaking of a natural law which cannot be transgressed, just as the laws spoken of by Thomas and Hippocrates cannot be transgressed. If Locke in the essays did not sometimes understand by the natural law a natural law of this kind, he could hardly have said that nobody has denied the existence of "some natural law" (p. 130; cf. pp. 114 and 200), for he says that Carneades and quite a few others denied the existence of the natural law in the sense of the moral law (p. 204; *cf.* p. 112).

From the foregoing observations we draw two conclusions. In the first place, Locke contradicts himself regarding the natural law in his 53- or 54-page statement devoted exclusively to the natural law, in such a manner that what he did is most unlikely to have escaped his notice. He asserts that the existence of the natural law can be proven from men's consciences (pp. 108, 116) and he denies that the existence of the natural law can be proven from men's consciences (pp. 166, 168). He devotes a whole essay to refuting the contention that men pay obedience to natural law by unanimous consent (p. 160 ff.) and he asserts that men pay obedience to natural law by unanimous consent (pp. 122, 108) He devotes a whole essay to refuting the contention that the natural law is inscribed or imprinted in the minds or the breasts of men (p. 136 ff.) and he asserts that the natural law is implanted in our breasts (p. 110) or that it is innate (pp. 116, 130).

According to the editor, the last two self-contradictions can be taken care of by the assumption that Locke changed his mind while he progressed from his first two essays (pp. 108–134) to certain later essays (p. 47 n.1). This does not explain, however, how a superior man who regarded the problem of natural law as of utmost importance, would copy and thus endorse statements of his which concern the essence of natural law and which he had come to see were wholly wrong. Apart from this, the editor's explanation does not account for other self-contradictions occuring in the essays, for instance that which occurs in one and the same essay regarding the need for speculative premises in moral matters. Locke asserts and denies even in one and the same sentence that the existence of a deity which presides over "this world" can be proven from the testimony of the conscience and from the innate idea of God. The editor blurs the difficulty by saying that Locke "allows the cogency of two of the other arguments, namely the one from conscience and the one from the innate idea of God, but he remarks that their authority is not based on reason and sensation alone and, in fact, presupposes *a priori* notions which it is difficult to accept." (p. 49) Here the editor reproduces Locke's self-contradiction without noticing it: arguments presupposing notions which it is difficult to accept cannot be cogent. More precisely, according to Locke the two arguments "do not derive their whole force from our native faculties, namely, sense perception and reason," and the cooperation of these two is the necessary condition for the production of cogent arguments (*cf.* p. 156 with pp. 146 and 136 n.2). Locke says first that the two arguments in question prove the existence of God with certainty; and immediately thereafter he says in effect that, "as will perhaps appear to him who considers the matter more carefully," the two arguments do not prove the existence of God with certainty. Yet, as we have seen, Locke does not explicitly say in the negative part of his statement that the two arguments do not prove the existence of God with certainty. On the other hand, he does not unambiguously say in the affirmative part of his statement that the two arguments prove the existence of God with certainty; he says "in case the two arguments prove the existence of God with certainty" (*si . . . probet*). The editor and translator limits himself to saying that "*si* appears redundant" (p. 154 n.2). The *si* certainly makes the sentence in which it occurs very awkward. We on our part would say that Locke regarded the two arguments as altogether weak but that he "was unwilling to show the weakness" of any argument allegedly proving the existence of God "since possibly by it some men might be confirmed in the belief of a God, which is enough to preserve in them true sentiments of religion and morality." (*Works*, Vol. III, pp. 53–54).

The editor has paid attention to Locke's spelling and to his Latin but only once to his manner of writing. In his Introduction he calls "attention to a slightly puzzling, yet obviously important, passage in essay V, where (he has) sought to give a coherent version without taking unwarranted liberties with the text" (p. 91). The passage referred to reads as follows: "Such a consent (*sc.* unanimous and universal content), I confess, could indicate a natural law but not prove it; it could achieve that I believe more ardently, but not that I know more certainly that the opinion (*sc.* which is held unanimously and universally) is a natural law; for I cannot know with certainty whether this (opinion) is the view of every individual by himself **[I cannot know with certainty whether the opinion of each individual severally is a law of nature]**, for it (*sc.* my thought about another man's thoughts) is faith but not knowledge." (p. 176) Locke refers here to a thought which was expressed by Descartes more clearly as follows: " . . . it seemed to me . . . that in order to know which were truly their opinions (sc. the opinions of those with whom I would have to live), I ought to pay attention to what they practiced rather than to what they said; not only because in the corruption of our morals there are few people who would say everything which they believe but also because some do not know it themselves." (*Discours de la méthode*, III) Or, to quote from a fragment of Locke published for the first time by the editor: "if idolatry were nothing but terminating our worship, *i.e.*, thought, on some thing that is not God, I do not see how there could be a law to punish idolaters, seeing their thought cannot be known." (p. 261) The student of Locke's thought must not disregard Locke's thought, or rather his exaggerated speech, on the impossibility of knowing other men's thoughts from their speeches: a man may deliberately contradict himself in order to indicate his thought rather than to reveal it.

III. Is the Natural Law based on speculative principles?

Our second conclusion is that the proof of the existence of a wise "first artificer" is not sufficient, according to Locke, for establishing the existence of a natural law proper, *i.e.*, of a natural law which man can transgress. In his thematic discussion of how reason can come to know the natural law, he explicitly distinguishes two presuppositions of the knowledge of natural law. The first is the existence of some wise and powerful artificer of all sensibly perceived things including man

—*an artificer who can bring us forth, preserve* us and raise or destroy us as he sees fit and to whom therefore we are rightly subject. The second presupposition is that God has a will as regards what we ought to do or is concerned with how we act (pp. 150–158). Without entering into the question whether one can establish the existence of natural law without establishing by this very fact the existence of knowledge of it, we note that in demonstrating these two presuppositions of the knowledge of natural law, Locke presupposes the existence of natural law (*cf.* p. 146, top, with p. 136, top). The ascent from the sensibly perceived things leads to knowledge of "some supreme deity," of the existence of "some powerful superior" who can treat man as a potter treats clay or, more precisely, of "some artificer of all these things whom it is necessary to acknowledge not only as powerful but also as wise" and even as "most wise," who is in fact a "most perfect and wise author" of all things. We note that in his demonstration of the existence of God in the essays Locke does not speak of God's omniscience and omnipotence although he mentions these attributes elsewhere in those essays. That "most wise" and "omniscient" are not identical would seem to appear from the expression "omniscient and most wise" (p. 182). One would thus be justified in assuming a corresponding distinction between "most powerful" and "omnipotent." "Power," as compelling power, belongs together with "right," and both seem to be characteristic of God *qua* creator; wisdom seems to be characteristic of God *qua* legislator (pp. 182, 186). Could the natural law which man cannot transgress belong to God as creator and the natural law which man can transgress belong to God as legislator? Yet it is precisely God's infinite wisdom which is revealed in his creation, whereas his infinite power extends beyond what he has in fact created: "God could have created men so that they lacked eyes and did not need them" (p. 200). The translator has somehow become aware of this difficulty. When Locke speaks of "that first fiat by which (God) created and brought forth out of nothing this ornate structure" (p. 160), the translator makes him speak of "that first fiat by which He created and furnished this world, bringing order out of chaos." He does this in spite of the fact that he renders literally and correctly another reference of Locke to creation out of nothing as distinguished from creation out of chaos (p. 186). In this connection we may mention that whereas Locke speaks of "the majority of mortals who may not even once have thought about the (a) first man or his fall," the translator makes him speak of "Adam and his fall" (p. 138; *cf. Treatises of government,* I, sec. 141); he does not consider that it is possible to assume "a first man" without knowing anything of the Bible.

According to Locke, knowledge of the natural law presupposes knowledge of God's will in regard to man's actions. Such knowledge of God's will is derived partly from the end or purpose of all things and partly from the constitution of man himself. Since all things are "the work of a most perfect and wise author, they do not seem to be destined by him for any other end than to his own glory to which one must defer in everything." To speak less vaguely, man ought to perform all his actions with a view to the glory of God. Since man is not made fortuitously, the function of man seems to consist in the proper exercise of his natural faculties, not to say in acting according to his natural inclinations. Man being endowed by nature with the faculty of reason, his first and foremost duty is to contemplate God's works and His wisdom and power in His works, and then to give God the praise, the honor and the glory most worthy of Him (p. 156). Knowledge of God and worship of God seem to be the first, the highest and the most weighty duties prescribed by natural law (*cf.* also p. 198). Yet there are whole nations of polytheists, and polytheism differs from atheism only by name, to say nothing of other nations which are manifestly atheist (p. 174). Hence many nations must be regarded as criminal to the highest degree. This conclusion is not in harmony with the spirit of natural law which does not permit that men are divided into hostile societies (p. 162). If the Greeks violate the spirit of natural law by regarding all other nations as barbarians, the Jews do the same by regarding all other nations as heathens and not sanctified (p. 174).

To overcome this difficulty Locke makes two suggestions. In the first place he says that "it is to be believed that religion becomes known to men not so much by the natural light as by divine revelation" (p. 166). Locke here follows tacitly and perhaps unwittingly the Thomas Aquinas who says that it is not reason simply but reason informed by faith which dictates that God is to be loved and to be worshipped (*Summa theologica,* 1, 2q.104.a.1.ad3.), for the difficulty under consideration was as well known in the middle ages as it is in modern times. Since certain knowledge of divine revelation has not reached the majority of men, or since revelation cannot be certainly known but is apprehended by faith (p. 188), the majority of men cannot be regarded as criminal for failing to observe the duties of religion. Yet one obviously does not overcome completely the difficulty caused by the natural law prohibition against the worship of gods if one replaces that natural law prohibition by a prohibition based on revelation. Besides, Locke's suggestion implies that religion does not clearly belong to the virtues demanded by natural law. He suggests therefore, in the second place, that religion as a virtue demanded by natural law is not incompatible with the worship of gods. He speaks of the plunder of "temples of the gods" **[divine temples]** when enumerating crimes against "all right" (p. 160), and he speaks of the absence of "temples of the gods" as proof of the disregard for a precept of natural law (p. 190). On the same page on which he says that the majority of men do not possess knowledge of divine revelation, he also says that no one has denied the obligatory character of the revealed law. In fact he regards the uncontested admission of the obligatory character of the revealed law as so important that he builds on it his central argument for proving the obligatory character of natural law (p. 188). This gentle procedure which consists in denying the existence of a serious issue and which wittingly generates tolerance together with confusion appears to be characteristic of Locke. For he also says that no one has denied the existence and the obligatory power of natural law (p. 130; *cf.* pp. 200 and 212) although he refers more than once to men who did and do deny the existence and hence the obligatory power of the natural law (pp. 112, 204). In the same way he says in the *Essay concerning human understanding* (II, 28.8) "That God has given a rule whereby men should govern themselves, I think there is nobody so brutish to deny," although he had said earlier in that work (I, 4.8) that there are men "who have enjoyed (the improvement of arts and sciences) in a very great measure who yet . . . want the idea and knowledge of God;" and in the *Reasonableness of Christianity* he says that the miracles of Jesus were never denied by anyone.

Locke says first that once it is established that there is a God who is the author of all sensibly perceived things, "the universal law of nature by which the human race is bound, necessarily follows" (p. 132). He says next that knowledge of the natural law is based on two presuppositions, the existence of a wise and powerful author of all sensibly perceived things and his having a will as regards what we ought to do (pp. 152, 156). Yet these two presuppositions prove to be insufficient for establishing the existence or knowability of the natural law. Since "every law is in vain if there is no punishment" and, we must add, since the punishments available in this life do not suffice as sanctions for the natural law, the natural law is impossible without "the immortality of the souls" **[the soul's immortality]** (pp. 172, 174). Following the well known rule of reading according to which what a writer says only once is less important than what he says frequently, the editor says that in the essays Locke "noted, but he never stressed, the connection between God's law and the sanctions engaging men's obedience to it" (p. 71): he does not speak of Locke's referring to punishment after death. It is more important to note that in the essays Locke does not even attempt to demonstrate the immortality of the souls although that immortality is a necessary presupposition of the natural law. We cannot help remembering here his later teaching, according to which, on the one hand, the natural law stands or falls by rewards and punishments after death, and on the other hand the natural light is unable to establish that there is a life after death. This state of things is obviously fatal to natural law.

The editor's insufficient attention to the question of immortality is responsible for certain inadequacies of his translation. He does not sufficiently distinguish in his translation between *anima* and *animus* (*cf.* pp. 148 and 126). Of a certain Lockian sentence he says he "cannot think of a satisfactory translation. I have taken *una* as an adverb." The difficulty disappears if one takes *una* as an adjective. Locke says: "This whole knowledge (*sc.* the knowledge accessible to man through his natural faculties), however great it is (and it certainly has made great progresses), which traverses the whole nature of things and, not confined within the limits of the world, enters Heaven **[the sky]** itself insofar as it contemplates it, and has investigated more carefully (*sc.* than was previously done) spirits and minds, what they are, what they do, by which laws they are bound—this whole knowledge, I say, which is one **["which is one" is omitted by the translator]** reached the mind **[here the translator adds "altogether"]** from those three ways of knowing . . . " (pp. 122, 124). Locke expresses here exactly the same thought which he expresses in the last chapter of the *Essay concerning human understanding:* one and the same science, "Physica," is "the knowledge of things as they are in their own proper beings, their constitutions, properties, and operations, whereby I mean not only matter and body, but spirits also, which have their proper natures, constitutions, and operations, as well as bodies.—The end of this is bare speculative truth: and whatsoever can afford the mind of man any such falls under this branch, whether it be God himself, angels, spirits, bodies, or any of their affections, as number, and figure, etc." Even Thomas Aquinas was prepared to regard metaphysics as a subdivision of physics (*Commentary on the Ethics*, I, *lectio* 1. and *Summa theologica*, 2, 2q.48c.). But when two men say the same thing, they do not necessarily mean the same thing. The translator also has some difficulty in understanding one of Locke's arguments allegedly proving that the natural law is not inscribed in the souls of men. Locke says: "If this natural law were inscribed in our breasts, why do the stupid and insane have no knowledge of this law? Since it (this law) is said to be stamped immediately on the minds themselves **[on the soul itself]** which (*sc.* the minds) depend in no wise **[and this depends very little]** on the constitution and the structure of the body's organs which (*sc.* the constitution and the structure of the body's organs) is admittedly **[Yet therein admittedly lies]** the only difference between the wise and the fools." (p. 142) Locke appeals here to two generally accepted views, to the view that the intellect is not bodily and has no bodily organ, and to the view that the differences among men regarding the intellect are due to differences regarding the body (*cf.* Thomas, *Summa theologica*, 1 q.85.a.7.c.). It is not impossible that the cited remark is the first sign of his later suggestion according to which it is "impossible for us, by the contemplation of our own ideas without revelation, to discover whether Omnipotency has not given to some systems of matter, fitly disposed, a power to perceive and think. . . . What certainty of knowledge can any one have that some perceptions, such as, *e.g.*, pleasure and pain, should not be in some bodies themselves. . . ?" (*Essay concerning human understanding,* IV, 3.6) In the essays he merely says that God can fill and stir the soul with sorrows or joy and the body with pain or pleasure (p. 154; *cf.* p. 230).

IV. *Is the Natural Law duly promulgated?*

In order to be a law, the natural law must be duly promulgated or sufficiently knowable to man as man. We have indicated the difficulty caused by the facts that, according to Locke, the natural law cannot be known by reason if reason cannot establish the immortality of the souls and that he does not even attempt to show that it can. In the penultimate essay he discusses the question of the proper promulgation of the natural law in this form: can the natural law bind man as man, seeing that whole nations are altogether unaware of it, and that many nations are unaware at any rate of some of its precepts? This being the case, it follows either that there is no natural law at all or else that its obligatory power is not universal. In spite of this Locke asserts that the obligatory power of the natural law is universal (pp. 190, 192). He goes on to explain the meaning of this assertion. But nowhere in this discussion does he meet the issue which he had stated so forcefully at its beginning. He merely says that the natural law is so certain in itself that it is obligatory "although perhaps most men are so ignorant **[lazy]** and so thoughtless that for want of attention they ignore" the natural law which is so manifest (pp. 198, 200, 112, 128). Ignorance of the natural law is no excuse since that ignorance itself is due to criminal negligence. Every one *can* know the natural law provided he applies his mind properly to its study (p. 186). No one can ignore the natural law except one who loves blindness and darkness (p. 188). Yet this does not dispose of the difficulty. In the penultimate essay Locke says: "it is hard to believe that the dictates of nature (*sc.* the natural law) are so obscure that they are hidden from whole nations" (p. 190). But in the first half of the essays he says: "those who have no other guide than nature itself, those in whom the dictates of nature are in no way corrupted by positive customs, live in such ignorance of every law as if no attention whatever had to be paid to the right and honorable." As for the civilized nations, their moral opinions have the character of prejudices (which perhaps agree to some extent with the content of natural law) and therefore cannot be assumed to embody knowledge of the natural law (pp. 140, 142); a law which is merely believed in or known only by tradition cannot be the natural law (p. 130).

Where then do we find knowledge of the natural law? "Some acknowledge a different law of nature, others none, all an obscure one." This obscurity of the natural law cannot be explained by the Fall (p. 138). Still less can it be explained, we may add, by any other kind of human guilt. The diversity of men's opinions about the natural law is due to the fact that that law "is not easy to know" (p. 134). The natural law belongs to "the secrets of nature"; it is "remote and hidden." Not only vicious and dull-witted men but also those who lack the leisure to occupy themselves with the study of the sensibly perceived things and with the higher knowledge which arises from that study, are necessarily ignorant of the natural law (*cf.* pp. 112, 114 with pp. 122, 124 and 134).

The natural light by which the natural law is said to be knowable, "leads us to that peak of virtue and happiness to which both the gods call and nature tends." This statement seems to imply that by obeying the natural law man will reach his natural end, his natural happiness (p. 146; *cf.* p. 214). Locke explicitly identifies the natural law with "the way which leads to happiness" (p. 174). He is silent about man's supernatural happiness made possible by revelation, although he says that "it must be believed that religion becomes known to men not so much by the natural light as by divine revelation" (p. 166). Yet he also says: "nothing is so obscure, so concealed, so remote from every sense perception **[from any meaning]** that the mind, capable of every thing, could not reach it by reflection and reasoning if it is assisted" by reason (the discursive faculty) and sense perception. Locke does not explain what he understands by "mind" (*animus*, in the context used synonymously with *mens*). But he seems to suggest that man's natural faculties are in principle sufficient for understanding everything. However this may be, in proportion as it becomes doubtful whether the natural law is sufficiently promulgated, it becomes doubtful whether man is capable of reaching happiness. After having proved the existence of God from the perfect order of the world of which man is "not the lowest part," Locke shows parenthetically that man could not have been made by inanimate things and brutes nor by man himself: if man were his own maker, he would give himself, *i.e.*, every human individual, everlasting existence, for man cannot be conceived to be so full of hate and enmity against himself as to deprive himself of all the charms of life (p. 152).

From this it would appear to follow that the creation of man as a mortal being which knows of its mortality cannot be due to a being which loves man. At any rate, man's condition which is due to his mortality is here presented as a condition of extreme misery, a condition which cannot be relieved by obedience to the natural law and which only a being inimical to man could have inflicted on him. Locke himself applies this thought to the problem of natural law. "Mankind would be very well off" if the natural law were inscribed in the minds of men and hence easily and very conveniently knowable; but nature—and, it would seem necessary to add, the author of nature—has not been so kind to man as to provide him with innate knowledge of natural law (pp. 124, 126) but rather withholds knowledge of the natural law like a secret (pp. 114, 228). Therefore if nature is supposed to demand obedience to the natural law from man as man, nature would be a most cruel tyrant and not at all the kind mother of all (pp. 190, 192). In other words, if nature were the most kind mother of all, she would wish that our duties are not only necessary but pleasant as well: there would be no need for heroic virtue (p. 208; *cf.* p. 226). Nature is then not only not able but even not willing to establish a harmony between duty and pleasure. Nature promises man great happiness; she gives him none. She treats us like slaves or convicts: she gives us many laws and commands but no tranquillity and leisure. It is not certain that there is in us a small flame of heavenly origin but if it is, we owe it to Prometheus' theft rather than to Zeus' gift (p. 220; *cf.* also Locke's remark on the precise meaning of Genesis, 1.28 in *Treatises*, I, sec. 25–26). Nature has arranged that "it is impossible to take care of the interests of all at the same time," for the inheritance of the human race is one and always the same and does not increase in proportion to the number of human beings born. The goods which nature provides do not grow with men's needs. The limits of the world do not extend in proportion as the need of man grows (p. 210). The generosity of nature is extremely limited. This being the case, we may add, the large majority of men do not have the leisure required for becoming aware of the natural law, so their ignorance of the natural law cannot be due to their fault.

V. An alternative to the traditional Natural Law teaching

The foregoing observations compel one to look in the essays on natural law for suggestions of an alternative to natural law, or at any rate to the traditional natural law teaching. After having admitted that the majority of men are ignorant of the natural law, Locke asserts that human society is impossible without obedience to the natural law (*cf.* p. 118 with p. 112) and hence without knowledge of the natural law. Yet human societies exist and some societies even flourish. Hence society is possible without natural law. Or else one would have to say that the natural law without which society is impossible is a natural law which men cannot transgress at all, or which they cannot transgress without suffering the consequences of their transgression in this life. Society, Locke argues, is not possible if men do not keep the social compact, and men are induced to keep the social compact because the natural law obliges them to keep it. But he adds the qualifying remark that unless there is a natural law obliging men to keep compacts, they cannot be expected to keep the social compact "if a more convenient condition were offered elsewhere." Thus the question arises whether, generally speaking, the condition of life which is available outside society is not so inconvenient that both interest and pleasure induce man to keep the social compact, and prior to that, to make that compact (*cf.* p. 118). As Locke notes elsewhere (pp. 160, 162, 164), "men's common need and convenience" give rise to compacts and in particular to tacit compacts. Whatever is agreed upon by tacit compacts does not have the character of natural law since it is not commanded by a law nor are men driven to it by some natural instinct but it is suggested by common interests or by calculation.

We wonder then whether Locke does not intend to follow the lead given by Hobbes and to replace the traditional natural law teaching by a moral teaching which is grounded on the desire or instinct for self-preservation. When speaking of what Thomas had presented as man's three-fold natural inclination, Locke traces to "an inner instinct" only man's proneness to preserve himself; only of the proneness to self-preservation, as distinguished from the proneness to religion and to social life, does he say that all men are actually prompted to act in accordance with it (pp. 156, 158). But even self-preservation is not hallowed by universal consent; its power can be overruled by custom and custom-bred opinion (p. 172), as Hobbes had of course admitted (*cf. Leviathan*, ch. 14 with ch. 29). Yet, precisely as Hobbes had shown, if one takes self-preservation to be the sufficient basis of morality, one cannot conceive of self-preservation as commanded by natural law. If self-preservation is therefore the fundamental right and not a duty, suicide cannot be a crime. When enumerating certain things which are always forbidden, Locke remarks that "no one can stain himself with another's blood without incurring guilt." (p. 194) If self-preservation is understood as the source and the principle of natural law rather than as a precept of natural law, even compliance with the natural law itself can no longer be conceived as the fulfillment of a duty but only as an act of expediency. Hence we can certainly neglect and violate the natural law without crime, although not without our damage, "whenever it pleases us to abandon our right," *i.e.*, the right of self-preservation **[whenever it pleases us to claim our right and give way to our own inclinations]** (p. 180).

The purpose of the last essay is to refute the assertion that "the private interest of each is the basis of natural law." The essay opens with a quotation reporting Carneades' assertion according to which there is no natural right but all men are driven by nature to seek their own interests. It goes on to remark that Carneades' contention has found adherents in every generation since. Carneades himself was a man of very great sharpness of mind and eloquence. His successors on the other hand adopted his view with the greatest ardor or partisanship. They lacked the virtues and gifts of mind whereby they might pave for themselves the way to honors and riches; they traced their lack of honors and riches to the injustice of government; they asserted that they were debarred from the goods which are by nature common to all men; they clamored for the abolition of government and for the assertion of natural freedom: right ought to be determined not by other men's law but by every one's own interest (p. 204). It would seem that the unphilosophic successors of Carneades, while pretending to deny natural law, appeal to natural law or at least to natural right. Locke rejects their opinion with contempt and takes the side of "the saner part" whom he will call in the *Treatises* "the rational and industrious." The saner part has little respect for what the quarrelsome and the lazy regard as their private interest or as their natural right.

Locke does not even attempt to refute Carneades' assertion that each man is by nature driven to seek his own interest and not to act justly. He merely attempts to refute the assertion that the private interest of each is the basis of natural law. He proceeds as follows. He first identifies the basis of natural law with the basic natural law. Hence the thesis that the private interest of each is the basis of natural law comes to mean that according to the basic natural law man is obliged above everything else to be concerned with his private interests. Furthermore since no one can be a fair judge of another man's interest, every one must be allowed to be the sole judge of his own interest; since most men understand by their interest their immediate interest, those men at any rate are under a sacred obligation which overrides all other considerations to take care of their immediate private interest and they are forbidden to do anything which conflicts with their immediate private interest (pp. 204, 206, 212; *cf. Treatises*, II, sec. 87, and Hobbes, *De cive*, I, 9). Hence the men who have been admired hitherto as models of virtue must be loathed as the most wicked criminals, unless one were to say that they sacrificed their lives and fortunes for the benefit of their country and mankind in order to earn immortal fame (*cf.* pp. 206, 208). Every act of generosity becomes a violation of natural law unless one were to say that generosity pays or even pays immediately (*cf.* pp. 212, 214, 180).

But let us concentrate on Locke's central argument (pp. 210, 212). If everyone is by nature obliged to be concerned above everything else with his immediate private interest, it follows necessarily that everyone is by nature at war with everyone else and that society is altogether impossible. Hobbes had inferred from this that men must cease to think primarily of their immediate or present interest but must think rather of their future or long range interest; thus they will realize that they must seek peace and subordinate their immediate private interests to the requirements of peace; the natural law is nothing but the moral conditions of peace (*De cive*, III, 31). In the same way Locke replaces everyone's immediate private interest by everyone's long range private interest. But he contends that if everyone's first and overriding obligation is to be concerned with his long range interest, there follows, not the demand for peace, but again the war of everybody against everybody. The reason is the natural scarcity of things which man needs for his long range interest or for his self-preservation: it is better to fight with other men for the barest necessities than to perish through starvation while keeping the peace.

In order to see how Locke has overcome this difficulty, it suffices to remember the normal connection between domestic peace and plenty. He leaves no doubt that there is a fundamental harmony between the private interest of each and the law of nature (pp. 206, 214). The fact that there is a fundamental harmony between private interest and the law of nature (the law which dictates peace and therefore obedience to the government) does not mean that that harmony is complete. The most important practical consequence of this is the fact that if "manifest acts of tyranny . . . reach no farther than some private men's cases," "the body of the people do not think themselves concerned in it" and hence do not cause any difficulty for the government (*Treatises*, II, sec. 208). For all practical purposes it may therefore be better to say that the basis or end of society is not the private interest of each but the public interest, *i.e.*, the interest of the large majority. To quote the motto of the *Treatises: Salus populi suprema lex esto*. This is not to deny that the root of the public interest is the private interest of each. Just as Machiavelli before him, Locke speaks therefore once of "the common interest of each" (p. 206; *cf.* Machiavelli, *Discourses*, I, near the beginning). Locke is closer to Machiavelli than he is generally said or thought to be.

Locke's early essays show clearly how doubtful he was, from the beginning of his career, of the traditional natural law teaching. That teaching derives man's duties from man's natural constitution or his natural inclinations; it assumes that man is by nature ordered toward virtue; it also presupposes that each man and each nation is ruled by divine providence, that men's souls are immortal, and that the natural law is sufficiently promulgated in and to the consciences of all men. Locke never elaborated his alternative to the traditional natural law teaching. In both the *Treatises* and the *Essay* he limited himself to combining a somewhat modified version of the traditional natural law principles with a natural law teaching which follows from the Hobbian principles rather than from the traditional principles, and to alluding to his objections to the traditional principles. In a passage of the *Essay* he almost contrasts the two different ways in which natural law or morality can be known or taught. The first way starts from the "ideas" of "a supreme Being, infinite in power, goodness and wisdom" and of "ourselves, as understanding, rational beings"; those two "ideas . . . would, *I suppose,* if duly considered and pursued, afford such foundations of our duty and rules of action as *might* place morality among the sciences capable of demonstration." The second way starts from the "ideas" of justice, property and government; it leads to propositions like "Where there is no property, there is no injustice" and "No government allows absolute liberty." (IV, 3.18; *the italics are not in the original.*) Why Locke's exposition of the first way is defective, has been shown above at great length. His exposition of the second way is defective because it too is silent about the sanctions of morality; or, more particularly it is silent about the compelling reason for which property and government are necessary and hence good. That compelling reason is the fundamental need or right of self-preservation.

In conclusion we mention some peculiarities of the edition and translation for which we have not already found a convenient place. "We do not investigate here what a man can know **[experience]** who is divinely inspired." (p. 122) When used in this context, "experience" does not today necessarily suggest knowledge. "(Most men) are guided by opinion and praise **[by belief and approval]**, not by the natural law." (p. 128) It is dangerous to identify opinion and belief, as can be seen from a comparison of Thomas, *Summa theologica,* 2, 2q.1.a.5. and Locke, *Essay,* IV, 17. "No ground can be assigned why one man **[the translator adds "of the older generation"]** rather than another maintaining quite the opposite should be credited with the authority of the tradition of the ancestors" **[the translator omits "of the ancestors"]** (pp. 128, 130). "Those barbarous nations" **[those primitive races]** (p. 138). "Customs" **[morals]** which are "remote from virtue" (p. 140). " . . . if we would review the classes of virtues and vices—and nobody doubts that they (*sc.* the virtues) **[this classification]** are **[is]** the law of nature itself . . . " (p. 166). Here the editor tries to translate Locke's original version which Locke himself corrected, "thereby confusing the sentence"; but it is unlikely that man's duty should consist in classifying the virtues and vices, whereas it makes sense to say with Locke and the translator that the virtues are "precepts of the law of nature" (p. 128) and that justice is "an outstanding law of nature" (p. 168). On p. 166 the editor wisely uses in his English translation a variant reading which he relegates to a note in his Latin text. In connection with this he obscures the manner in which Locke has numbered his arguments; by numbering his arguments and the parts of his arguments, Locke enables those readers *who count all the numbers in* one series, regardless of whether the numbers indicate a whole argument or part of a argument, to discern the true center of an essay. "Habits" **[sentiments]** (p. 194). Locke does not suggest as the translator makes him suggest that "it depends on our ability" but that "it rests within our power" (p. 194), whether for instance we marry or not. It is hard to believe that Locke would have meant to write that the natural law obligates men to the extent to which it is "delightsome" (*laeta*) to them; it is more likely that he meant to write that the natural law obligates men to the extent to which it is promulgated or given (*lata*) to them (p. 196). For no reason the translator renders in one and the same sentence *virtutes* first by "moral virtue" and then by "virtuous actions" (p. 212). "For what justice is there where there is no property **[personal property]** or ownership, or what property where everyone may not only possess what is his own but where that is a man's own what he possesses, what is useful to him **[where what he possesses is his own, merely because it is useful]**. But **[In truth]** one may observe here briefly that the upholders of this view derive the moral principles and the rule of life rather from men's desire and their natural inclination **[natural instincts]** than from legal obligation. . . . " (p. 212) In quoting the beginning of that passage of the *Nicomachean Ethics* which deals with natural right Locke apparently made a slip (p. 112 n.3); he certainly understood the passage in exactly the same way in which it had been understood by Averroes.

COMMUNICATIONS

TO THE EDITOR:

I should like to reply to a couple of specific points in Richard Nelson's review (March issue, pp. 258–9) of *Models of Man.*

1. He states that the book "is presented as a showcase of the usefulness of mathematics in the social sciences. This, the reviewer believes, it is not." As the preface makes clear, the aims of the book are substantive, and mathematics is used only because (p. viii) "I found mathematics indispensable in enabling me to deal with these questions clearly and precisely." No showcase, this.

2. The reviewer errs when he states: "In several of the models Simon derives his conclusions by mathematical manipulations that are illegitimate, given his stated assumptions. In particular, he differentiates functions that he states are ordinal and then makes use of differences in the magnitudes of the derivatives."

The functions in question are not ordinal, although a careless sentence on page 117 could be interpreted to imply this. What is claimed (and the claim, I think, honored) is that in drawing substantive conclusions from the model only properties that are invariant under transformation to an ordinarily equivalent scale are used. The signs of derivatives (including time derivatives) are invariant, as is the sign of the difference between two derivatives at a given point in phase space. These are the properties of derivatives that are, in fact, used in interpreting these models. The initial introduction of cardinal variables provides a scaffolding which, like most scaffoldings, is highly useful to build the structure but must be removed when the builders are done. What the reviewer says about the ordinality of variables like "friendliness" is no more than what I said in the two chapters in question and on page 91 of the introductory comments to those chapters.

Since the reviewer does not specify his other examples of illegitimate mathematical manipulations, I cannot judge whether they are valid. There are some other debatable statements in the review, *e.g.*, that the conclusions I draw from the characteristic equation are untranslatable (they are, in fact, translated), but both author and reviewer have done their work, and the book is best left now to defend itself.

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REPLY TO ARNOLD TOYNBEE

TO THE EDITOR:

Professor Arnold Toynbee has written what he himself considers a "condemnatory" review of my book, *Oriental Despotism.* I find this entirely consistent since in my study I rejected his approach to the history of man. On this score, and despite his derogatory language, no answer would be required. But his review contains inaccuracies which so competely obscure both the intent and substance of my analysis that a response is in order.

While setting the record straight, I shall try to indicate (which Toynbee did not do, and from his point of view perhaps could not do) certain basic differences that separate his approach and mine. These differences go far to explain why he disregards many of my key ideas altogether and argues against others so as to make them almost unrecognizable.

His way of handling my thesis that large-scale government-managed works of irrigation and flood control played a crucial role in the establishment of specific types of total power ("hydraulic," "Asiatic," or "Oriental" despotism) exemplifies his method. Branding earlier versions of the concept of Oriental despotism as lying myths and labelling my term, hydraulic, as "quaint," without mentioning my reasons for introducing it, he faces the core thesis only in the next to last paragraph of his review, and then only to dismiss it with the assertion that it presents nothing but an "obvious truth"—the idea that a unified and effective high command is necessary for all large-scale enterprises, military and industrial as well as hydraulic.

This statement disregards the crux of my argument, which sharply distinguishes between authoritarian leadership (as the broader phenomenon: "no society is without its authoritarian segments") and total power (a specific type of authoritarianism). By committing the logical fallacy of confusing these two categories he eliminates the need for investigating the specific qualities of total power which is the main object of my study.

Bad faith? He does not hesitate to impute unworthy motives to the supporters of the concept of Oriental or hydraulic despotism: they fuel "engines deliberately designed to stoke up those tribal animosities by which mankind has made itself so miserable." I see no reason to reply on this level. Rather I submit that he would have reproduced my analysis of total power and hydraulic society if it had been meaningful to him. Despite his earlier stress on societies as the decisive targets of historical inquiry, he has failed to indicate my views on political power, economic organization, and social control—and their specific interrelations—apparently because the larger institutional categories which I introduce have no deep reality for him.

His response to my analysis of Greek and Roman conditions confirms this. He accuses me of referring to total power in the Graeco-Roman World (and in "our Western World") "always in general terms and nearly always in the form of an apologia." What are the facts? I describe certain specific Orientally despotic features that were present in early Greece and Rome; I note that in the wake of Alexander's conquests the Hellenistic rulers gradually destroyed the political independence of their own co-nationals in Asia and the Greek homeland; and I discuss the role of the Hellenistic variant of total power in the Orientalization of Rome. Indeed, the development of Eastern statecraft in the Roman Republic and Empire is so important in my historical review of the major representatives of Oriental despotism that Toynbee's comments are truly surprising. No less surprising are his comments on my discussion of total power in the post-Roman West. I indicate, specifically and institutionally, significant features of Western despotism: the rise of centralized armies, census-taking, public works, and the use of torture. And when I mention the institutional and temporal limitations of Western despotism, I do so, not with generalities, but with reference to the societal features that caused these limitations. If he considers my specific explanations wrong, he should say so, but to assert that such explanations are lacking is manifestly incorrect.

He is equally remiss when he claims that I have applied to Asia "the Marxian thesis that the means of production rigidly determine all other elements of social life," and that I have postulated "a uniform type of 'agromanagerial' despotism." Invoking the authority of the late Professor Frankfort he seemingly contradicts me: "The differences between the 'Asiatic' societies where agriculture is based on irrigation are much greater than their resemblances."

Examination of my book will reveal that my view is very different from the one ascribed to me. Far from accepting a rigid economic determinism, I show the dependence of the economic on the ecological factor, and the dependence of the latter on cultural conditions which in open historical situations offer a variety of choices. Causality yes, determinism no—that is my position, which seems to be quite clear, since not a few of the many serious reviewers of *Oriental Despotism* have cited it, often adding that it refutes the Marxist concept of economic determinism. And far from depicting Oriental society as uniform, I devote over two hundred pages to its multiformity: simple, semi-complex, and complex; core (compact and loose) and marginal Oriental societies.

Moreover, I do not doubt that in Frankfort's special field (art religion, and the religious aspects of kingship) the civilizations of the old Orient differed profoundly. This, however, does not affect my societal analysis. In *Oriental Despotism* I distinguish the essential features of a given society (the key institutions of power, property, and social relations) from the innumerable elements of technology, customs, art, and belief which are not specific to the conditions of power, status, and property. This position enables me to identify basic similarities in the power structure of a group of societies as well as basic dissimilarities in their religion, literature, and art. It enables me to point out cultural similarities between hydraulic China and feudal Japan and between Orientally despotic Byzantium and proto-feudal or marginally feudal Kievan Russia. It enables me to explain why, despite the strong cultural impact of Byzantium on Russia, it was the Mongol conquest that imposed an "Oriental" despotic order which persisted throughout the Tsarist period and which, while not making the victory of the Bolsheviks necessary, greatly facilitated their coming to power.

In one of his few attempts at historical argument, Toynbee attacks my assumption that the despotic order which the Mongols established in Russia was rooted in the great Eastern monarchies, especially China. He calls this a "very far-fetched piece of speculation" unsupported by any "serious evidence." What kind of evidence is required here? If he had given any attention to my concept of a marginal Oriental society as a configuration in which the government employs the organizational and acquisitive methods of Oriental despotic statecraft with little or no dependence on a hydraulic economy (a concept which, by the way, contradicts any theory of economic determinism, rigid or otherwise), he would have understood that I presented substantial evidence for "Asiatic" consequences of the Mongol conquest of Russia—consequences that have been recognized by such earlier Russian historians as Karamsin, Kovalevsky, and Kliuchevsky, and by such recent historians as Sumner, Florinsky, and Vernadsky.

Toynbee's request for "serious evidence" on the Chinese background of the beginnings of Mongol rule in Russia is almost embarrassing. In 1234 the Mongol Great Khan, having completed the defeat of the Chin dynasty, became the official ruler of the vast realm of North China. In 1237, this monarch ordered his subordinate, Batu, to conquer the Russian lands and organize them in accordance with the political and administrative ideas then held in the eastern metropolis. To ask for evidence on these elementary facts is like asking for evidence that after the completion of the *reconquista* in Spain the conquest of America proceeded in accordance with orders from Madrid.

It is possible that Toynbee's lack of concern for such details is only a special manifestation of his lack of concern for the ultimate problem that underlies my comparative study of single-centered (as contrasted with multi-centered) societies, of a state stronger than society, of total power in its most elaborate historical form: the problem of the institutional conditions that permit, or preclude, the growth of political and individual freedom. His review shows him profoundly disinterested in this problem. In fact, his dissociation from this sphere of inquiry is so passionate that he heaps abuse on those who differ from him. He calls the classical Greeks, who found the monarchies of Asia lacking in the free institutions they cherished, promoters of a "lie" and "smear." (Among the guilty he mentions Aristotle.) He also calls those who in recent times took up the issue of Oriental despotism "modern Western conquerors of the World," although he must have been aware, or have been reminded by my study, that among them were such pioneers of rational institutional inquiry as Montesquieu, Adam Smith, James Mill, Richard Jones, and John Stuart Mill.

Since Toynbee condemns all previous attempts to analyze Oriental despotism, he could hardly be expected to applaud mine. However, his attack on me has a special twist. He reprimands me for dealing with this system and with Communist totalitarianism instead of with German Fascism, as was suggested by my account of the "genesis" of my book. Arguing that National Socialism is the worst known system of total power, and also the one that is "most easily comprehensible to Western writers and readers," he feels that for these reasons and on the basis of my personal experiences in Hitler's concentration camps, I should have made "a full dress study" of Nazi Germany rather than of Oriental despotism and Communist totalitarianism.

The brutalities of National Socialism are monstrous indeed. But since, according to Toynbee, this variant of total power is the easiest to understand, he should rather welcome my dealing with other types that are less well understood and that include the U.S.S.R., for he himself considers Russian Communism "about the next-best target to German National-Socialism for a democratic Western attack on totalitarianism." While he does not specify this rather lame indictment, it does imply that, after the collapse of National Socialism, the Soviet regime is the worst totalitarian system functioning today.

Thus he disregards his own premises when he reaches the conclusion that I wrote the wrong book. And he does not improve his position when he supports this conclusion by referring to my account of the genesis of *Oriental Despotism.* Any reader who takes the trouble to open the book will find that the development of my ideas is discussed, not in the Acknowledgments, as he says, but in the Introduction, where I tell in some detail that I began my study of Chinese and Asiatic society a full decade before Hitler seized power and that this subject remained my central interest for more than a quarter of a century.

Luck had it that at a certain point in my inquiry my experiences with National Socialism deepened my insight into such phenomena as total terror, total submission, and total loneliness. Luck had it that my growing awareness of Russia's Orientally despotic past led me to see Russian—and eventually Chinese—Communism in a new light. In my study I suggest that clarification of the earlier forms of total power will facilitate the comparative analysis of all forms of modern totalitarianism, and I deplore that, in this respect, Italian and German Fascism have not been given sufficient attention. If my efforts help us to analyze and develop our great heritage of human freedom, and if they help us to understand and combat more effectively the total negation of freedom, then I will gladly bear Toynbee's wrath. He calls my book a "menace." A menace to what? To the worst form of total power? I hope it is.

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Law Memorial Library, New York

COMMENT ON McCLOSKY'S *CONSERVATISM AND PERSONALITY*

McClosky's procedure as I understand it, comprises the following steps: (1) Compile, by reference to that on which there is "astonishing agreement among the disciples, and among disinterested scholars as well," a list of the "characteristic . . . if not quintessential elements of the conservative outlook." (2) Take note of, and deplore (via the adverb "unfortunately"), the fact that "some of the points . . . are . . . distinguished more for their rhetoric than for the clarity and crispness of their content." (3) Break down the "creed" so arrived at into 43 items, most of them "fairly [!] straightforward statements of the conservative beliefs just discussed." (4) Submit the 43 items to a "large general sample of persons in the vicinity of the Twin Cities," asking them to agree or disagree with the items. (5) Analyze the responses, with a view to identifying the items that "[cluster] sufficiently to convince us that they [belong] to the same universe," and so derive "scales" made up of items that in fact measure "some degree of the same attitude dimension." (This, it appears, took two years of what at least sounds like very hard work.) (6) Satisfy yourself that the twelve-item scale you end up with is a "tighter," more "refined," scale, with "greater internal consistency," than that "found in the original 43-item pool." (7) Submit the new scale to an "advanced senior-graduate class in political theory"; and accept the fact that 44 of 48 members in the class describe the "sentiments expressed" as "conservative" or "traditionalist" as significant "validation" of the items (that is, as evidence that it is really "conservatism" you are soon going to be measuring); as further validation, appeal *en passant* to the scale's "face validity" (note, that is to say, that the "items it includes express on their face the values that *most knowledgeable people would designate as conservative* [italics added]"). (8) Submit the items at different times to two "entirely different samples of the population." (9) Divide the respondents into four categories, "Extreme Conservatives," "Moderate Conservatives," "Moderate Liberals," "Liberals [not, let us notice, Extreme Liberals, as we would expect for purposes of symmetry]," according to the quartile in which their scores (on the items) fall. (10) Take note of differences among the respondents in Education, Awareness, Intellectuality, and recognize (as, these being the findings, you are clearly called upon to do) that "conservative beliefs are found most frequently among the uninformed, the poorly educated, and, so far as we can determine, the less intelligent." (Explain, however, that you don't mean for a moment that "all conservatives are uninformed, [or] . . . all liberals knowledgeable, [or that] . . . all the unlearned are conservative," but merely that "the most articulate and informed classes in our society are preponderantly liberal in their outlook.") (11) Break the respondents down again, according to their scores on "social personality traits." such as submissiveness, excessive feelings of guilt, etc., noting incidentally that one end of each of your trait scales is "desirable" (no need to say to whom), the other "undesirable"; again accept that which the data fairly force upon you: "conservatism, in our society at least, appears to be far more characteristic of social isolates, of people who think poorly of themselves, who suffer personal disgruntlement and frustration, who are submissive, timid, and wanting in confidence, etc." (12) Break down the respondents once more, this time according to their "clinical" personality traits, and again yield to the unavoidable conclusion: "the extreme conservatives are easily the most hostile and suspicious, the most rigid and compulsive, the quickest to condemn others for their imperfections and weaknesses, the most intolerant, . . . the most inflexible and unyielding in their perceptions and judgments . . . [They] apparently set far less store upon rigor or precision of thought. . . ."

I propose here to challenge neither the "objectivity" of all this (that is, the researchers' indifference, in "setting up" the project, to the conclusions they might arrive at), nor the statistical methods employed, nor—tempting though it be—the confidence they repose in existing techniques for measuring personality traits. Rather, I wish to fix attention upon a single point, namely, the grounds on which McClosky, *on his own showing as to what conservatism is,* assumes that he is measuring his respondents' "degree of conservatism." For the crucial step in the procedure summarized above, if his conclusions are to have any relevance to the "conservative-liberal distinction," is surely the one which gets him over from (1) to (3), *i.e.*, from the "characteristic . . . if not quintessential elements of the conservative outlook" to the "items" he is going to submit to his respondents. Either there is some reason to expect that agreement with the items will be predictive of agreement with the creed, or there is not. I submit that (a) no such reason exists, and (b) the researchers' "validation" of the items, as McClosky describes it, is—particularly given the size of the bet they are about to place on them—casual beyond belief. If, for example, we are going to take the judgment of a political theory class as to what beliefs are conservative, why introduce the creed (the class was *not* asked about the possible correspondence between the items and the creed) at all? And if we can establish "face validity" for the items by merely appealing to the "values which most people would designate as conservative," again the creed is superfluous; or else *it* embodies those same values and the question must still be faced: Do the items in fact reproduce the emphases of the creed? For, if we are obliged to answer that question No, McClosky must go back to step (3) and start all over again.

Here, as it seems to me, is how the items emerge from confrontation, in accordance with traditional procedures of textual analysis, with the creed:

The first of the items (that is, of the items McClosky sees fit to divulge) states that there must be "much wisdom" in "something" (which if it means anything must mean *anything*, that is, *everything*) that has grown up "over a long time." The creed, as the most cursory glance will convince the hastiest of readers, says nothing of the kind: it says that "society" (not everything in society, not even everything old in society, but society) embodies the "accumulated wisdom of the past" (which, be it noted, does not exclude its embodying also the accumulated folly of the past; let us remember, moreover, that liberalism itself, to which conservatives attribute no wisdom at all, is one of those "somethings" that have grown up "over a long time"), and that there is a *presumption*, but only a presumption, in favor of that which has "survived," and so of institutions "that have been tried and *found to work* [italics added]" (that is, there is more accumulated wisdom than accumulated folly in society, and the way you tell the difference between that which is wise and that which is foolish, where institutions are concerned anyhow, is to ask: do they work?). In the creed, in a word, there is not a whisper of the suggestion that there is "bound" to be "much wisdom," or even any wisdom, in that which "grows up over a long time."

Take the second: "If you start [why, incidentally, "start"?] trying to change things very much, you usually make them worse." The relevant passage in the creed speaks not of "things" but, as we have noted, of "institutions that have been tried and found to work," and of "innovation" as being "more often"—not "usually," but "more often"—a "devouring conflagration" than a "torch of progress." Clearly, this is consistent, as McClosky's item is not, with, *e.g.*, the proposition that change is in nearly half of all instances a "torch of progress," that is, a means of making things *better*. McClosky's item is a straight-out caricature of his point in the creed.

Or the third: to "recognize that the world is divided into superior and inferior people" is "not really undemocratic." While the creed certainly warrants the proposition, "Some people are superior to other people," it is silent as the tomb on the question, What is democratic and what undemocratic? It asserts the proposition, "Men are naturally unequal," but makes *no* predication about it.

For the fourth item ("All groups can live in harmony . . . without changing the system in any way"), I find *no conceivable textual basis* in McClosky's creed; in the fifth we leap from the creed's assertion that "private property" is a "stabilizing institution of society" to an item which asserts that men who own property can be "depended . . . on" more than men who don't. In the sixth we must get over somehow from "Society is . . . inordinately complex" *and* "There is a presumption in favor of whatever has survived" *and* that "innovation" is "more often a devouring conflagration, etc." to the item—a very different matter, surely—"if you try to reform parts of [society]. . . you are likely to upset the whole system," which is taking liberty enough in all conscience, and then to the assertion that the reason why that is true is that society is "so complicated." No such connection—complicatedness: unwisdom of reforming parts of society—is present in the creed.

Not all the items, to be sure, are so remote from the creed. "It's better to stick with what you have than to be trying things you don't really know about" is a not inaccurate restatement, perhaps, of "There is a presumption, etc." "Political authority comes not from us but from some higher power," bears no doubt a cousinly resemblance to "Society is ruled by 'divine intent' and made legitimate by Providence" and to "Religion is the foundation of civil society" (only cousinly, however, because of the injection of "not from us" in the item, which many might interpret as presupposing, as the creed certainly does not presuppose, a necessary choice between authority deriving from divine intent and authority deriving from the people, that is, from us). "It is never wise to introduce changes rapidly, in government or the economic system," is possibly a fair enough rendering of "Man's traditional inheritance is . . . not to be cast away lightly."

But all the other items in the first of McClosky's two lists are, in one way or another, cruel distortions of the relevant propositions in the creed: "I prefer the practical man anytime to the man of ideas" will pass muster only for those who equate "ideas" and "reason"; "I'd want to know something will really work before I'd be willing to take a chance on it" is acceptable only if "There is a presumption, etc." be taken to mean, as evidently it does not, that nothing should ever be tried until it has been "found to work" (*cf.*: "There must always be three taxis on this three-taxi taxistand); "a man doesn't really get to have much wisdom until he's along in years" can, so far as I can see, be tied back to *no* proposition in the creed; nor can "Private ownership of property is necessary if we are to have a strong nation," since the creed does not address itself at any point to the question of national *strength*. McClosky's score for the first of his two lists: three hits out of thirteen trips to the plate, that is, a batting average of a little less than .250, which simply won't do for a lead-off man in the majors.

Nor do we get a different result from McClosky's second list: Does "Duties are more important than rights" restate the idea, indeed present in the creed, that duties are "superior" to rights? Only if "superiority" and "importance" are interchangeable concepts. Does "You can't change human nature" catch up the meaning of "Man is . . . doomed to imperfection" and "All efforts at levelling are futile. . ."? Only, it would seem, if to change and to perfect and to level are (things equal to the same thing being equal to each other), all three of them, synonyms. Can "The world is too complicated to be understood by anyone but experts" be expected to tap the beliefs expressed in "Society is . . . inordinately complex" and "The superior classes must be allowed to differentiate themselves and to have a hand in the direction of the state"? Not unless the words "superiority" and "expertise" say the same thing. Besides, is it not notorious that the cult of expertise is a characteristic of liberal, not conservative, political theory?

And to what paragraph in the creed can McClosky point as justification for "We have to teach children that all men are created equal, but almost everyone knows that some are better than others"? The idea that some are better than others is indeed there (as also in the heads of most grown-ups), but McClosky's item does not say that. It says "almost everyone" *knows* that some are better than others, a notion that is not present in the creed, and says on top of that that we must teach our children that "all men are created equal." The creed does not address itself to what we must teach our children. McClosky then connects the two propositions with a "but" in such a fashion as to leave the affirmative respondent asserting neither of them, but rather the very different proposition, "We must teach our children that which is false" (wherefore what the item tests is not conservatism as McClosky defines it, but parental cynicism). Where in the creed can McClosky find "The heart is as good a guide as the head"? Only, it would appear, by latching onto "Theory is to be distrusted" and "reason . . . is a deceptive, shallow, and limited instrument." Both of these, however, in the context in which McClosky himself presents them, point the way to reliance not on the "heart" but upon tradition, and, in any case, assert that something x is *better* than, not as good as, something y. Even, then, if we concede McClosky the remaining two items ("No matter what the people think, a few people will always run things anyway," and "People are getting soft and weak from so much coddling and babying"), concede them, that is, as recognizable baby-talk for "All efforts at levelling are futile, etc.", he still gets only two for eight, or the slightly-improved batting average of .250 exactly.

We conclude: McClosky—on, we repeat, his own showing as to what conservatives believe—has no warrant for speaking of "conservatives" and "conservatism" in his conclusions.

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BIBLIOGRAPHICAL ARTICLE

GOVERNMENT, ADMINISTRATION, AND POLITICS IN WEST GERMANY: A SELECTED BIBLIOGRAPHY[1]

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I. MILITARY GOVERNMENT

1. *General Works.* As the Allied invasion of Germany began, Military Government was established immediately behind the advancing front lines. After the unconditional surrender in May, 1945, it was built up into diverse and sometimes elaborate structures—American, British, French, and Soviet Russian. The rate of growth of Military Government and the degree of its complexity varied from zone to zone as the views of the several occupation powers differed on the amount of governmental activity that could be left in German hands or that could, in later years, be restored to them by degrees, and as they differed on what they aimed to accomplish in the occupied territories. Research in this field is still in its early stages. It is difficult for several reasons. There is the vastness of the subject—accentuated by considerable zonal differences—and the sheer bulk of the source material. Many of the documents remain classified. Material technically available is dispersed in government and military archives in three countries on two continents. Soviet documents are inaccessible to Western students.

The authors of books on Military Government have usually benefited from their experience as leaders or participants in the problems and processes they describe. Their writings, therefore, tend to have a graphic quality. At the same time, some were handicapped by the limited range of their knowledge and outlook and by the deficiencies of their training or other job preparation. There is also an unfortunate lack of monographs, which would have eased their job. However, while these publications often appear dated or distinctly personal in their approach, they retain much of their value, partly from the absence of up-to-date and more inclusive studies and partly because their shortcomings demonstrate graphically the personal and factual limitations under which the authors labored, not only as writers but, earlier, as officers and civil servants.

Among the early accounts are Julius Bach, *America's Germany: An Account of the Occupation* (New York, 1946), by a reporter for an American army publication who had wide opportunities for travel and observation in the American zone at an early date, and Harold Zink, *American Military Government in Germany* (New York, 1947), by a former Military Government officer who later was U. S. High Commission Chief Historian. Like his *The United States in Germany, 1945–1955* (New York, 1957),* it is undocumented, with a strongly personal approach. James K. Pollock (ed.), *Change and Crisis in Euro-*

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[1] The *Saar* territory (now *Land*) is not included.

* Reviewed in this issue, pp. 548–51.

pean Government (New York, 1947) has chapters on "Germany Under Military Occupation" and "Political Reconstruction in Germany, Zonal and Interzonal" by the editor and by Karl Loewenstein, respectively. Hajo Holborn, *American Military Government, Its Organization and Policies* (Washington, 1947) deals with the indispensable story of the preparations for and the early growth of American Military Government organization and the considerations that underlay the formulation of its policies. Wolfgang Friedmann, author of *The Allied Military Government of Germany* (London, 1947), was associated with occupational work in both the British and American zones and also visited the French and Russian zones. He is strongly critical of several phases of British occupation policy. Marshall Knappen, *And Call It Peace* (Chicago, 1947) contains much justified criticism of the American "reëducation" program in its early phases. The well-known British publisher Victor Gollancz is outspoken against Allied policy toward Germany in *In Darkest Germany* (Chicago, 1947), written after a visit to the British zone, while French Military Government policies are attacked from a trade union and left-wing angle by Edgar Morin, *Allemagne notre souci* (Paris, 1947). Freda Utley, *The High Cost of Vengeance* (Chicago, 1949) charges that occupation policies and officials aided the Soviet Union. Michel Virally, *L'administration internationale de l'Allemagne du mai 1945 au avril 1947* (Paris, 1948) is a legal study of Military Government and its administrative methods by one of its high French officials. Kurt Egon von Turegg, *Deutschland und das Völkerrecht* (Cologne, 1948) presents a German lawyer's view of Allied occupation, with stress on the policy of industrial dismantling. Erich Kaufmann, *Deutschlands Rechtslage unter der Besatzung* (Stuttgart, 1948) is of special interest because of the author's position as Legal Advisor to the German Foreign Office. Carl J. Friedrich *et al.*, *American Experiences in Military Government in World War II* (New York, 1948) devotes chapters 9–13 to Germany and should be read with Sydney Connor and Carl J. Friedrich (eds.), *Military Government*, the January, 1950, issue of *The Annals of the American Academy of Political and Social Science*, which deals chiefly with Germany—it also includes a critical review of American Military Government training by a participant in the program. Attention should be paid to C. Bourthoumieux, *La politique et le régime interallié d'occupation de l'Allemagne de 1945–1949* (Paris, 1950); O. J. Frederiksen, *The American Military Occupation of Germany, 1945–1953* (Washington, D. C., 1953, published by the Historical Division of the Army); R. Moenning, *Die amerikanische Deutschlandpolitik 1945–1955* (Bonn, 1956).

General Lucius D. Clay, *Decision in Germany* (Garden City, N.Y., 1950) is an authoritative personal account by the Deputy Military Governor, later Military Governor, of the American zone, for the period of Military Government, 1945–49. This carefully documented book is an indispensable source. Edward H. Litchfield (ed.), *Governing Post-War Germany* (Ithaca, N.Y., 1953) is the most inclusive and in several ways the most valuable of all books on the subject. The editor was General Clay's right-hand man. Valuable footnotes include many bibliographical references. All contributors had a direct share in the work and problems they discuss, except the author of the chapter on the "Governments of Soviet Germany." Michael Balfour and John Mair, *Four Power Control in Germany and Austria, 1945–1946* (London, 1956) falls short of its ambitious title even for the short (and critical) period under review; it concerns itself primarily with the British zone, covering the American zone most insufficiently and allowing the French and Soviet Russian zones only a few pages. It gives much attention to economic questions and was written "without access to official papers."

2. *HICOG Historical Studies.* The monographs of the U. S. High Commission in Germany (HICOG) under the general editorship of Harold Zink and, later, Roger H. Wells, constitute an essential source of information on HICOG structure, policies, and programs and on the relations of American Military Government and, later, HICOG authorities to German governmental development. They contain the texts of many pertinent documents and useful bibliographies. As official publications, they are subject to certain limitations inherent in their sponsorship and the time of publication. The best approach to them is through Guy A. Lee, *Guide to Studies of the Historical Division, Office of the U. S. High Commissioner for Germany* (Bonn-Mehlem, 1953), which lists over thirty historical monographs (some mimeographed) on the organization of HICOG, German governmental, political, cultural, and economic affairs (including Berlin) and on the American information, exchange, culture, and special projects programs. Lee offers explanatory comments on each volume, the full table of contents of most volumes, and their security classifications, if any. An introductory chapter deals with the history of the Historical Division of HICOG. Monographs of general interest, not listed elsewhere in this article, are: Elmer Plischke, *The Allied High Commission for Germany* (rev. ed., 1953); Guy A. Lee, *The Establishment of the Office of the U. S. High Commissioner for Germany* (1951); Lee, *The Organization of the Office of the U. S. High Commissioner, 1949–1952, with Special Reference to Planning for Embassy Status* (1953, confidential); Lee, *Field Organization of the Office of the U. S. High Commissioner for Germany, 1949–1951* (1952); J. F. J. Gillen, *Labor Problems in West Germany with Special Reference to the Policies and Programs of the Office of Labor Affairs of the Office of the U. S. High Commissioner for Germany* (1952); Henry P. Pilgert, *The History of the Development of Information Services through Information Centers and Documentary Films* (1951); Pilgert, *The Exchange of Persons Program in Western Germany* (n.d., 1952?); Pilgert, *The West German Educational System with Special Reference to the Policies and Programs of the Office of the U. S. High Commissioner for Germany* (1953); Beryl R. McClaskey, *The History of U. S. Policy and Programs in the Field of Religious Affairs under the Office of the U. S. High Commissioner for Germany* (1951); Plischke and Pilgert, *Press, Radio and Film in West Germany, 1945–1953* (1953); McClaskey, *Documents on Field Organization of the Office of the U. S. High Commissioner for Germany, 1949–1951* (1952); John G. Kormann, *U. S. Denazification Policy in Germany, 1944–1950* (1952). Other monographs (some with shorter titles) are also listed in this guide.

3. *Documents.* Valuable collections of source material are found in James K. Pollock, J. H. Meisel, and H. L. Bretton (eds.), *Germany Under Occupation: Illustrative Materials and Documents* (Ann Arbor, Mich., rev. ed., 1949) and especially in Beate Ruhm von Oppen (ed.), *Documents on the Occupation of Germany, 1945–1954* (London, 1955), which includes documents from all four zones of Germany. The indispensable guide to the plethora of American published documents and other official source material is Robert W. Miller, *United States Policy Toward Germany, 1945–1955. U. S. Government Documents on Germany* (Frankfurt, 1956; *Aktuelle Bibliographien des Europa Archivs,* No. 12): Part II, "Germany under Occupation," covers United States Military Government, the Allied Control Council, United-States-British Combined Area (Bizonia), the Allied High Commission, the United States High Commission, Inter-Allied Agreements, etc. Additional references to United States documents and other publications are found in Bruce Lannes Smith and Chitra M. Smith, *International Communication and Political Opinion: A Guide to the Literature* (Santa Monica, Cal., 1956), especially in the section on "Audience Characteristics: Germany (East and West)," pp. 201–13, which includes the most complete published list of HICOG-sponsored opinion surveys and evaluations of American information, exchange of persons, radio, pamphlet, and film programs. A number of the studies deal with Soviet zone reactions. Since the completion of this RAND bibliography in April, 1955, some forty-five Public Opinion Reports on Germany (some dealing with the Soviet Zone) have been prepared under the general direction of Dr. Leo Crespi of the United States Information Agency. The complete list (as of January, 1958) has been compiled by Miss Verma R. Langley of the Survey Research Division, Office of Research and Intelligence, USIA. It may be had free of charge upon request to the writer of this article.** Wilhelm Hennis, *Meinungsforschung und repräsentative Demokratie: Zur Kritik politischer Umfragen in Recht und Staat in Geschichte und Gegenwart* (Tübingen, 1957) is a critical examination of the claims made by public opinion polls in Germany and of their relation to parliamentary democracy.

II. THE ESTABLISHMENT AND GROWTH OF GERMAN GOVERNMENT AUTHORITIES, 1945–1949

Among German books providing the general background for this period are Emil Schäfer, *Von Potsdam bis Bonn: Fünf Jahre deutsche Nachkriegsgeschichte* (Lahr, 1950); Norbert Toennis, *Der Staat aus dem Nichts: Zehn Jahre deutscher Geschichte* (Stuttgart, 1954); and Hans Trossmann, "Der westliche Teil Deutschlands: Sein Weg von 1945–1953" in his *Der zweite deutsche Bundestag: Seine Vorgeschichte, sein Aufbau und sein Wirken* (Bonn, 1954)—the author is the *Direktor*, or chief administrative officer, of the Bundestag.

Source material and references for this period are found regularly in the biweekly *Europa Archiv* edited by Wilhelm Cornides (Frankfurt); also in Fritz

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** Some of these Public Opinion Reports, 1945–, are for "Official Use Only"; copies of those available for distribution may be obtained from Morton F. Fosberg, Research Officer, USIS, American Embassy, Bonn.

Ernst, "Blick auf Deutschland: Ausländische Stimmen zur neuesten deutschen Geschichte" in *Die Welt als Geschichte* (vol. 10, 1950) pp. 192 ff., and "Blick auf Deutschland: II, Amerikanische Stimmen zur neuesten deutschen Geschichte" (*ibid.*, vol. 15), pp. 259 ff., and in the bibliographies edited by Thilo Vogelsang for the *Vierteljahrshefte für Zeitgeschichte* (Stuttgart).

The establishment of the Federal Republic in September 1949 was preceded by the gradual development of a labyrinth of German governmental organs on the local, district, *Land*, zonal (American-British), bi-zonal, and, finally, all-West German levels. Their structure and jurisdiction differed from zone to zone, as did the rate of increase in their respective advisory, administrative, judicial, legislative, and constitution-making functions. Since they were created by foreign Military Government, their story falls partly under that category and is, in fact, inseparable from it; being German, they also showed a distinctive native content and coloring, as well as local and *Land* variations, as the initiative and imagination of individual Germans left their imprint on the foreign-created legal provisions for structure and jurisdiction.

The history of the re-establishment of German governmental authority after 1945 has been written only in small part. Most of the pertinent German documents, once widely scattered, have been collected or at least located through the patient efforts of the *Bundesarchiv* established in 1952. This office has published a guide to the numerous zonal and bi-zonal legislative, administrative, and judicial organs which developed under American, British, and American-British sponsorship, with an introductory chapter on their historical development: with its meticulous documentation and many bibliographical references, Walter Vogel, *Westdeutschland 1945–1950: Der Aufbau von Verfassungs- und Verwaltungseinrichtungen über den Ländern der drei westlichen Besatzungszonen* (Part I, Koblenz, 1956) provides the indispensable German basis for future research in this field. It also contains very useful biographical data on some three hundred political and governmental persons of prominence connected with the zonal and bi-zonal organizations.

For a study of the special American contribution to the development of German super-*Land* government authority, see Lia Härtel, *Der Länderrat des amerikanischen Besatzungsgebietes* (Stuttgart, 1951) and Picht-Hemken, *Sammlung der Länderratsgesetze* (Bonn, 1951), both official publications. For the official story of the advisory Zonal Council of the British zone, see Gerhard Weisser and Annelies Dorendorf, *Der Zonenbeirat der britisch besetzten Zone: Ein Rückblick auf seine Tätigkeit* (Göttingen, 1953).

The structure and activities of the German bi-zonal office for the economy of the United States-British Combined Area (Bizonia) are written up expertly in Walter Strauss, *Entwicklung und Aufbau des Vereinigten Wirtschaftsgebietes* (Heidelberg, 1948). Some pertinent documents are found in the official publication, *Der Wirtschaftsrat des Vereinigten Wirtschaftsgebietes 1947–1949* (Frankfurt, 1949). See also the *Gesetzblatt der Verwaltung des Vereinigten Wirtschaftsgebietes, 1947–1949* (Bonn, n.d.); Werner Weber, *Der gegenwärtige Verwaltungsaufbau Deutschlands* (Hamburg, 1948); A. N. Närger, *Der Wirtschaftsrat des*

Vereinigten Wirtschaftsgebietes: Entwicklung, Verfassung, und staatsrechtliche Würdigung (Munich, 1949; mimeo.). For additional reports and references, see Friedrich Klein, *Neues deutsches Verfassungsrecht* (Frankfurt, 1949) and Gustav v. Schmoller, Hedwig Maier, and Achim Tobler, *Handbuch des Besatzungsrechts* (Tübingen, 1951).

III. THE FEDERAL REPUBLIC

1. *Its Establishment.* This historical event was, of course, closely connected with the interests and legal rights of the Allied occupation powers. For the pertinent American and Inter-Allied documents, see Miller's bibliography (Part III, "The Federal Republic of Germany"), the collections of documents edited by Pollock, Meisel, and Bretton and by von Oppen, and the accounts of Military Government activities after 1945 (all cited above, I). Special mention should be made of *Documents on the Creation of the German Federal Constitution* (OMGUS,[2] Berlin, 1949); U. S. High Commissioner John McCloy, *Report on Germany, September 21, 1949–July 31, 1952*, which followed ten quarterly reports issued by HICOG in this period; *Germany 1947–1949: The Story in Documents* (Department of State publication 3556), a massive collection of source material; the HICOG historical studies by Elmer Plischke: *The West German Federal Government* (1952), *Revision of the Occupation Statute for Germany* (1952, supplementing his *Allied High Commission*), and *Allied High Commission Relations with the West German Government* (1952), all of which contain pertinent documents; and Edward H. Litchfield (ed.), *Governing Post-War Germany* (cited above, I, 1). See also Hans Simons, "The Bonn Constitution and its Government" in Hans J. Morgenthau (ed.), *The Future of Germany* (Chicago, 1951).

2. *The Bonn Basic Law.* The problems and possibilities presented by the Basic Law—as the Germans prefer to call their provisional federal constitution—have led to the writing of many books, often with an enormous amount of documentation and bibliographic references. Some are by old-time scholars who had previously busied themselves with the constitution of the Weimar Republic or, in some cases, with a friendly eye, with the government of the Third Reich; others, by a promising group of younger scholars. Naturally, they differ among themselves on matters of interpretation, and footnotes frequently state who agrees or disagrees with a given writer's position. This is more useful for the American student who is working his way into the concepts of a new foreign constitution than a summary evaluation of these books by a single reviewer. One of the standard works is the second edition, thoroughly revised by Friedrich Klein, of Hermann von Mangoldt, *Das Bonner Grundgesetz* (Berlin, vol. I in two parts, 1955, 1957; vol. II to follow). It is gratifying that it devotes over five hundred pages, about a third of the total, to Civil Rights (Articles 1–19 of the Basic Law) and over one hundred pages to the principles and problems of Federalism (Articles 20–28). Among other books of special importance are Friedrich Giese, *Grundgesetz für die Bundesrepublik Deutschland vom 23.*

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[2] Office of Military Government, U. S.

Mai 1949 (Frankfurt, 4th ed., 1955; enlarged edition, 1956) and Werner Matz, *Grundgesetz für die Bundesrepublik Deutschland* (Stuttgart, 2nd ed., 1954). Earlier books still of value and interest include Friedrich Klein, *Neues deutsches Verfassungsrecht* (Frankfurt, 1949); Bodo Dennewitz *et al.*, *Kommentar zum Bonner Grundgesetz* (Hamburg, 1950); Hans Nawiasky, *Die Grundgedanken des Grundgesetzes für die Bundesrepublik Deutschland* (Stuttgart, 1950); Otto Model, *Grundgesetz der Bundesrepublik Deutschland* (Moers/Ndrrh., 2nd ed., 1952). Ernst Rudolf Hubert (ed.), *Quellen zum Staatsrecht der Neuzeit: Deutsche Verfassungsdokumente der Gegenwart (1919–1951)*, vol. 2 (Tübingen, 1951) contains basic documents, election results, and materials on Germany's relations with the occupying powers.

The basic German documents on the work of the Constituent Assembly were issued by the *Parlamentarischer Rat,* as follows: *Grundgesetz für die Bundesrepublik Deutschland (Entwürfe)* (Bonn, 1948–49); *Sach- und Sprechregister zu den Verhandlungen des Parlamentarischen Rates und seines Hauptausschusses, 1948* (Bonn, n.d.); *Schriftlicher Bericht zum Entwürf des Grundgesetzes für die Bundesrepublik: Anlage zum stenographischen Bericht der 9. Sitzung des Parlamentarischen Rates am 6. Mai 1949* (Bonn, 1949); *Stenographische Berichte* (Bonn, (1948–49); and the proceedings of the group that drafted the Basic Law, *Verhandlungen des Hauptausschusses* (Bonn, 1948–49). The origin of the various articles of the Basic Law is treated in a massive volume by K. B. v. Doemming, R. W. Füsslein, and W. Matz, *Entstehungsgeschichte der Artikel des Grundgesetzes*, written at the request of the *Parlamentarischer Rat* and the Federal Minister of the Interior and published in the *Jahrbuch des öffentlichen Rechts der Gegenwart* (Tübingen, 1951). In addition, see *Bericht über den Verfassungskonvent auf Herrenchiemsee vom 10. bis 23. August 1948* (Munich, n.d.), issued by the constitutional committee of the Conference of Minister-Presidents of the Western zones of occupation.

Of American comments, see Karl Loewenstein, "Reflections on the Value of Constitutions in Our Revolutionary Age" and John Brown Mason, "Federalism in the Bonn Constitution" in Arnold J. Zurcher (ed.), *Constitutions and Constitutional Trends Since World War II* (New York, 2nd ed., 1952) and the recent study by Karl Loewenstein, *Political Power and the Governmental Process* (Chicago, 1957), which pays a good deal of attention to Germany.

3. *Civil Rights.* The basic work in this field promises to be Franz L. Neumann, Hans Carl Nipperdey, and Ullrich Scheuner (eds.), *Die Grundrechte: Handbuch der Theorie und Praxis der Grundrechte* (Berlin, vol. 2, 1954; vols. 1, 3, 4 are scheduled for publication 1959 ff.); but see also von Mangoldt-Klein, *op. cit.* (above, III, 2). Theodor Litt, *Die Freiheit des Menschen und der Staat* (Berlin, 1953) is by a well-known philosopher who has given much of value to Germany's post-war youth and elders. Erwin Fischer, *Deine Rechte im Staat: Eine gemeinverständliche Darstellung der Grundrechte* (Frankfurt, 5th ed., 1954) is a reliable semi-popular presentation of civil rights, which would serve American students well as an introduction to this complicated field. Heinz Guradze, *Der Stand der Menschenrechte im Völkerrecht* (Göttingen, 1956) considers rights

under the Bonn Constitution in relation to the European Convention on Human Rights.

4. *The Federal Constitutional Court.* This busy institution and its decisions are treated in Willi Geiger, *Gesetz über das Bundesverfassungsgericht vom 12. März 1951* (Berlin: text of the law, 1951; commentary (same title), 1952); Wolfgang de Haan, *Politische Fragen vor dem Verfassungsgericht* (Kiel, 1953); Hans Lechner, *Bundesverfassungsgerichtsgesetz* (Munich, 1954). Very useful is Fritz Lindenmaier and Philipp Möhring, *Nachschlagewerk des Bundesgerichtshofs: Leitsätze und Entscheidungen mit erläuternden Anmerkungen* (Munich, 1951; loose-leaf edition). Giese, *op. cit.* (above, III, 2), pp. 227–45, lists the basic decisions and points out the principles involved. Important decisions are also published separately, sometimes with the text of the voluminous pleadings of the various parties and advisory opinions (*Gutachten*) by learned scholars. One such work is *Der Konkordatsprozess* (Munich, 1957), which comes to about 1,500 pages of text. An extensive bibliography covering the first three years of the Constitutional Court is found in Julius Federer, "Die Rechtssprechung des Bundesverfassungsgerichts zum Grundgesetz für die Bundesrepublik Deutschland" in *Jahrbuch des öffentlichen Rechts* (Tübingen, 1953), pp. 58–66. For a general treatise on the jurisdiction of supreme courts see Walter Strauss, *Die oberste Bundesgerichtsbarkeit* (Heidelberg, 1949).

5. *Staatsrecht.* Much of value to the student of German government is found in works on *Staatsrecht,* including such standard works as Otto Koellreutter, *Deutsches Staatsrecht* (Stuttgart, 1953); Theodor Maunz, *Deutsches Staatsrecht* (Munich, 5th ed., 1956); Friedrich Giese, *Staatsrecht* (Wiesbaden, 1956), and the useful introductory book by Rudolf Laun, *Studienbehelf zur allgemeinen Staatslehre* (Hamburg, 6th ed., 1948). For a look at political life and government from the German sociological angle, see Otto Stammer, "Politische Soziologie" in Arnold Gehlen and Helmut Schelsky, *Soziologie: Ein Lehr- und Handbuch zur modernen Gesellschaftskunde* (Düsseldorf, 1955).

6. *Public Administration and Public Law.* Standard works in the former field include Hans Peters, *Lehrbuch der Verwaltung* (Berlin, 1949); Ernst von Harnack, *Die Praxis der öffentlichen Verwaltung* (2nd ed., Schwenningen am Neckar, 1951); Werner Weber, *Staats- und Selbstverwaltung in der Gegenwart* (Göttingen, 1954). Special attention to the practical problems faced by civil servants is also given in the serial publication *Die Verwaltung: Schriftenfolge zur staatswissenschaftlichen Fortbildung der Beamten und Behördenangestellten* (Braunschweig). Friedrich Karl Vialon deals with budget law in his *Haushaltsrecht* (Berlin, 1953). This subject is treated in more popular form in a small book published for a German taxpayers' association; Kurt Heinig, *Haushaltsfibel* (Bad Wörishofen, 1953); Heinig, for many years chairman of the budget committee of the Weimar *Reichstag,* is also the well-known author of the earlier standard work on European government budgets, *Das Budget.* General works on administrative law include Ernst Forsthoff, *Lehrbuch des Verwaltungsrechts* (Munich, 6th ed., 1956), Hans Julius Wolff, *Verwaltungsrecht* (Munich, 1956), and the older book by Friedrich Giese, *Allgemeines Verwaltungsrecht* (Tübingen, 2nd ed., 1948).

7. *Miscellany.* Theodor Eschenburg, *Staat und Gesellschaft in Deutschland* (Stuttgart, 2nd ed., 1957) comes closest to an American textbook on government. It is a very realistic introduction, in terms of actual political practices (which the law books often fail to mention) as well as of law and theory; the author is a university professor with considerable experience as a high official in a *Land* government. Other books of value are Hans Nawiasky, *Allgemeine Staatslehre* (Einsiedeln, Switzerland, 1952, 2 vols.) and an early effort in the field of comparative government by Friedrich Glum, *Das Parlamentarische Regierungssystem in Deutschland, Grossbritannien und Frankreich* (Berlin, 1950).

8. *Gazettes and Other Official Publications.* The number of German federal publications is most impressive and can be mastered only with the help of *Das amtliche Schrifttum der Bundesrepublik* (Bonn, 1952), an official guide that lists the publications of the federal ministries, the Chancellery (Press and Information Office), the *Bundestag*, the *Bundesrat*, the *Bundesanzeiger Verlag*, and the *Deutscher Bundesverlag*. It contains a few titles not repeated in the second edition (1957), which lists over seven hundred items. Some of these publications are available in English.

The most important federal gazettes are *Bundesgesetzblatt* (Ministry of Justice), containing federal laws, ordinances, international agreements, regulations, court decisions, etc.; *Bundesanzeiger* (Justice), published five times a week, containing texts of certain laws, public notices, and regulations, especially in the field of economics, money, banking, and finance; certain treaties; justifications of proposed laws drafted by the federal government "as far as their publication appears desirable"; etc.; *Gemeinsames Ministerialblatt*, published bi-weekly (usually) by the Ministry of the Interior, covering: the Foreign Office; the ministries of the Interior; Expelled Persons, Refugees, and War-Damaged Persons; Housing; All-German Questions; Matters of Concern to the Federal Council; Family Affairs; and Atomic Matters; *Ministerialblatt des Bundesministers der Finanzen*, published irregularly; *Ministerialblatt des Bundesministers für Wirtschaft*, bi-weekly; *Bundesarbeitsblatt* (Labor), bi-weekly; *Arbeits- und Sozialstatistische Mitteilungen* (Labor), monthly; *Ministerialblatt des Bundesministers für Verteidigung*, bi-weekly.

International treaties are published in: Series A, *Multilaterale Verträge* (Bonn, 1956, 5 vols.); Series B, *Bilaterale Verträge* (Bonn, planned as a supplementary volume in loose-leaf form). See also *Die amtlichen Dokumente über die Durchführung des Marshall-Planes bezw. der amerikanischen Wirtschaftshilfe* (Bonn, 19 vols., 1949–54; also available in English).

The Press and Information Office publishes the *Bulletin* (five times a week; English edition weekly), which contains official government views, speeches, statistics, excerpts from the press, and biographic data on leaders of German public life; also articles on cities, *Länder*, regions, etc. *Mitteilungen an die Presse* are daily mimeographed press releases.

9. *Publications of the Bundestag and Bundesrat.* Of the *Stenographische Berichte*, thirty-one volumes had been published by 1957 and, of the *Drucksachen*, containing documents and source materials, forty-two volumes with

over 7,000 items. They are indexed by speakers and by subject matter in *Register:* Part I, *Sachregister* and Part II, *Sprechregister*, with separate volumes for each legislative period of four years. Other publications of the *Bundestag* are listed in *Das amtliche Schrifttum der Bundesrepublik* (Bonn, 2nd ed., 1957). The minutes of the *Bundesrat* are published in *Sitzungsberichte des Bundesrats* (Bad Godesberg).

IV. LÄNDER CONSTITUTIONS AND GOVERNMENTS[3]

The break-up of Prussia, the vagaries of the occupation zone boundaries, and the problem of the South-West State resulted in the establishment of several new *Länder* and, together with the reconstruction of Germany on a democratic basis, in new constitutions for every *Land.* Horst Feldmann and Margot Geisel, *Deutsches Verfassungsrecht des Bundes und der Länder* (Stuttgart, 1954) serves well for introductory purposes, since it deals with the constitutional law of both the Federal Republic and the various Länder (as, to a lesser extent, do all books on the Basic Law). Very useful is R. W. Füsslein, *Deutsche Verfassungen: Grundgesetz und deutsche Landesverfassungen* (Berlin, 2nd ed., 1955) with the text of all West German constitutions as of January 1, 1955. The text of the Weimar Constitution is added for convenient comparisons. The English text of the earlier *Land* constitutions is found in Harold O. Lewis, *New Constitutions in Occupied Germany* (Washington, D. C., 1948). The texts of various Länder constitutions and detailed commentaries on them are found in Hans Nawiasky and Claus Leusser, *Die Verfassung des Freistaates Bayern vom 2. Dezember 1946* (Munich, 1948; rev. ed. by Hans Nawiasky and Hans Lechner, Munich, 1953); Robert Nebinger and Eisenmann-Löffler-Weber, *Kommentar zur Verfassung für Württemberg-Baden* (Stuttgart, 1948); Adolf Süsterhenn and Hans Schäfer, *Kommentar der Verfassung für Rheinland-Pfalz* (Koblenz, 1950); Georg August Zinn and Erwin Stein, *Die Verfassung des Landes Hessen* (Bad Homburg v.d.H., 2 vols., 1954 and 1955); Gregor Geller and Kurt Kleinrahm, *Die Verfassung des Landes Nordrhein-Westfalen* (Göttingen, 1950); Rudolf Spreng *et al.*, *Die Verfassung des Landes Baden-Württemberg* (Stuttgart, 1954); Alois Vogel, *Kommentar zur Verfassung des Landes Nordrhein-Westfalen* (Stuttgart, 1951).

These commentaries usually have cross references to the corresponding provisions of other *Land* constitutions and to the Basic Law, which facilitate the comparative study of, for instance, Civil Rights or the educational provisions, which are often of great political importance.

Der Kampf um den Südweststaat (Munich, 1952) contains documents on the controversy over the union of the three Southwest German *Länder.*

For good measure one should add a Communist commentary, Karl Schultes, *Die süddeutschen Länderverfassungen* ((East) Berlin, 1948); the author has written also on the constitutions of the former *Länder* in the Soviet Zone. Dexter L. Freeman, *Hesse: A New German State* (Frankfurt, 1948) is an early American study. Stephen King-Hall and Richard K. Ullmann, *German Parliaments* (New York, 1954) provide a study in this generally unexplored field.

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[3] The references in Roger H. Wells, "German State and Local Government" in Harold Zink, "Selected Materials for a Comparative Study of Local Government," this REVIEW, Vol. L, (December, 1956), pp. 1112–15, are not repeated here. This article also provides a list of pertinent pre-1945 publications.

V. WEST BERLIN

Despite the crucial importance of this free world island beyond the Iron Curtain, the only German territory still under Allied occupation, publications still give an insufficient picture of its governmental structure and its special problems. Elmer Plischke, *Berlin: Development of its Government and Administration* (1952) is a HICOG publication, with a chapter on East Berlin and the text of some twenty documents. Related HICOG historical studies are Beryl R. McClaskey, *The Free German Youth and the Deutschlandtreffen: A Case Study of Soviet Tactics in Germany* (1951), Hubert G. Schmidt, *Economic Assistance to West Berlin* (1952), and Elmer Plischke and Henry Pilgert, *U. S. Information Programs in Berlin* (1953). Other publications are *Documented Chronology on Political Development Regarding Germany* (OMGUS, Berlin, n.d.), with emphasis on Berlin; *A Four Year Report, July 1, 1945 to September 1, 1949* (OMGUS, Berlin, 1949), and *Berliner Schicksal, 1945–1952* (Berlin, 1952), with many official reports and documents, published for the Senate (executive branch of the government) of Berlin. A few additional documents are listed in Miller's bibliography (cited I, 3, above), Part IV, "The City of Berlin." Lucius D. Clay, *Decision in Germany* (cited I, 1, above) contains much of value and interest on Berlin. In Frank L. Howley, *Berlin Command* (New York, 1950), the Commandant of the American Sector of that city gives a highly personal, undocumented account of his relations with the Russians during the airlift. A good deal of material on Berlin is scattered throughout the previously mentioned books (I, 1) on Military Government in the Western zones. The text of the Berlin constitution is found in Füsslein, *op. cit.* (IV, above) and in Kurt Landsberg and Harry Goetz, *Verfassung von Berlin vom 1. September 1950* (Berlin, 1951). For the structure of its municipal government see Wilhelm Loeschelder (ed.), *Die Gemeindeordnungen in den westdeutschen Ländern und die Verfassungen von Berlin, Hamburg und Bremen* (Stuttgart, 1953). See Stephanie Münke, *Wahlkampf und Machtverschiebung* (Berlin, 1952) for a detailed analysis of the 1950 elections in Berlin. Walther G. Oschilewski *et al.*, *Ernst Reuter: Ein Leben für Freiheit und Menschlichkeit* (Berlin, 1954) tells the story of the great man who was mayor of Berlin during the Russian blockade. Lowell Bennett, *Berlin Bastion* (Frankfurt, 1951) is a popular and reliable account of the blockade and airlift of 1948–49; see also Ferdinand Kuhn, Jr., *The Facts Behind the Berlin Crisis* (Washington, D. C., 1948).

VI. LOCAL GOVERNMENT[4]

Developments in the British zone are treated in two chapters of S. H. Fazan, *The German Government in Process of Reconstruction* (Berlin, 1949); also, to a lesser extent, in Friedmann, *op. cit.* (I, 1, above). Hartwig F. Ziegler (ed.), *Ordnung in der Gemeinde* (Hahnenklee, 1948) provides the text of the *Deutsche Gemeindeordnung* of 1935 as revised by the British Military Government, with a commentary. See also Lauritz Lauritzen, *Die Selbstverwaltung in Schleswig-Holstein: Handbuch zur Gemeindeordnung, Amtsordnung, Kreisordnung und Landessatzung* (Kiel, 1950). Early German studies include Hermann Pünder, *Die deutschen Gemeinden: Gestern, Heute und Morgen* (Cologne, 1948) and Hermann Heimerich, *Die kommunale Entwicklung seit 1945* (Frankfurt, 1950), followed by Hans Reschke (former Executive Director of the Institute for Public Affairs in Frankfurt), *Probleme der inneren Gemeindeverfassung* (Frankfurt, 1953).

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[4] See n. 3 above.

The standard work on municipal administration is the detailed *Handbuch der Kommunalen Wissenschaft und Praxis* edited by Hans Peters (Berlin, 3 vols., 1956–58). It contains innumerable bibliographical references. The second edition of William A. Robson (ed.), *Great Cities of the World: Their Government, Politics and Planning* (New York, 1957) has a chapter on Cologne by Lorenz Fischer and Peter van Hauten. Some of its bibliographical references and the Appendix pertain to German city government in general.

New developments in German municipal and county government are reported in various municipal and other reviews. The more important ones are *Der Städtetag, Zeitschrift für kommunale Wissenschaft und Praxis* (Cologne, monthly), *Die Selbstverwaltung* (Heidelberg, monthly), for rural counties; *Der Gemeindehaushalt* (Stuttgart), and *Staats- und Selbstverwaltung* and *Der Kommunaldienst,* which in 1955 were merged into the *Staats- und Kommunalverwaltung* (Cologne).

Valuable data are found in the *Statistisches Jahrbuch deutscher Gemeinden,* published by the *Deutscher Städtetag* (Lorch), in Bernhard Mewes (ed.), *Städtestatistik in Verwaltung und Wissenschaft* (Berlin, 1950), published on behalf of the association of German municipal statisticians, and in the annual statistical and administrative reports published by many cities.

German cities have maintained public archives older than the old *Reich* and many dynasties. A useful introduction to their treasures is Brenneke-Leesch, *Vom Wesen und den Arten des Archivgutes* (1951); numerous references to writings on municipal archives are found in Brenneke-Leesch, *Archivkunde* (1953).

VII. PARTIES AND POLITICS

1. *American Publications.* American political scientists have had their share in both praising and criticizing American Military Government and the U. S. High Commission (as well as in running them), but they probably agree in expressing a debt of gratitude to both agencies for sponsoring the collection and publication of large amounts of valuable material on German post-war government and politics. In the latter field special mention should be made of *Germany's Parliament in Action* (HICOG, Frankfurt, 1950) and *Elections and Political Parties in Germany* (HICOG, Frankfurt, 1953), which followed the earlier *Political Parties in Western Germany* (OMGUS, Berlin, 1949), High

Commissioner McCloy's *Report on Germany, September 21, 1949–July 31, 1952*, and the ten previous HICOG quarterly reports. The HICOG reports are of value for their factual reporting and of special interest for their expression of carefully considered HICOG opinion on political developments (these reports were available to the German public from the beginning and later issues were published in German as well as in English). Other pertinent data and observations are scattered throughout the numerous OMGUS and HICOG publications, as well as in the books on the work of these two organizations. James K. Pollock (ed.), *German Democracy at Work* (Ann Arbor, Mich., 1955) is a study of very uneven quality by several political scientists who observed the 1953 elections on the spot. The editor contributes a clear and concise description of the German election law; the book also includes two good case studies of campaign issues and tactics in two "typical" electoral districts and one on "United States Foreign Policy and the Election" by H. L. Bretton; the chapters on the CDU and the SPD are insufficient, and the other parties are omitted. In Joseph N. Moody (ed.), *Church and Society, Catholic Social and Political Thought and Movements, 1789–1950* (New York, 1953), there is an important section on "Church and Society in Germany," with excerpts from books and documents and extensive notes and bibliography by Edgar Alexander. Michael P. Fogarty has many references to Germany in his *Christian Democracy in Western Europe, 1820–1953* (Notre Dame, Ind., 1957), also useful statistical information and bibliography on Germany.

2. *German Studies.* As Sigmund Neumann pointed out in 1956, "no adequate study is available in English (or in German, for that matter) on the German party system as a whole."[5] This deficiency has not been remedied since, but some very interesting and worthwhile German monographs, which have come out in the last few years, contribute materially to a realistic understanding of German post-war parties and political life. *Parteien-Fraktionen-Regierungen*, a series of studies sponsored by the *Vereinigung für die Wissenschaft von der Politik* under the editorship of Dolf Sternberger of the University of Heidelberg, includes Dolf Sternberger, *Lebende Verfassung: Studien über Koalition und Opposition* (Meisenheim am Glan, 1956); Rudolf Wildenmann, *Partei und Fraktion: Ein Beitrag zur Analyse der politischen Willensbildung und des Parteiensystems in der Bundesrepublik* (1954); Goetz Roth, *Fraktion und Regierungsbildung* (1954), a case study of the formation of the coalition government of Lower Saxony in 1951; Bruno Deschamps, *Macht und Arbeit der Ausschüsse: Der Wandel der Parlamentarischen Willensbildung* (1954), which includes a comparison of the parliamentary committee systems in Great Britain, the United States, France, and Germany; Heinz Markmann, *Das Abstimmungsverhalten der Parteienfraktionen in Deutschen Parlamenten* (1955), which examines the actual extent of the obligation of deputies to vote the party line (*Fraktions-*

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[5] "Germany: Changing Patterns and Lasting Problems" in Sigmund Neumann (ed.), *Modern Political Parties: Approaches to Comparative Politics* (Chicago, 1956), p. 442. His chapter has numerous bibliographical references, not repeated here except for a very few items that need to be mentioned in this context.

zwang) in the Weimar Reichstag, the *Bundestag*, and the diets of Württemberg-Baden and Hesse; Emil Obermann, *Konstanz und Alter von Fraktionen: Veränderungen in der Struktur parlamentarischer Fraktionen* (1955), which covers various German parliaments from 1920 to 1953, with some very interesting results; Rupert Breitling, *Die Verbände in der Bundesrepublik: Ihre Arten und ihre politische Wirkungsweise*, the best book on pressure groups in Germany, with a wealth of material and realistic interpretation. The author includes in his discussion "interest groups" which become pressure groups only upon occasion. Two other good treatises on pressure groups (not published in this series) are Theodor Eschenburg, *Die Herrschaft der Verbände* (Stuttgart, 2nd ed., 1955) and Joseph H. Kaiser, *Die Repräsentation organisierter Interessen* (Berlin, 1956).

The *Institut für politische Wissenschaft* at the Free University and the *Hochschule für Politik* in Berlin have published some outstanding and down-to-earth studies on both Western Germany and the Soviet Zone. Among those in the former category, Stephanie Münke, *Wahlkampf und Machtverschiebung* (Berlin, 1952) tells the story of the 1950 election campaign in Berlin and its results; K. D. Bracher, Martin Draht, Otto Heinrich von der Gablentz, A. R. L. Gurland, and Ernst Richert examine *Faktoren der Machtbildung* from different angles (Berlin, 1952); Karl Dietrich Bracher, *Die Auflösung der Weimarer Republik: Eine Studie zum Problem des Machtverfalls in der Demokratie* (Stuttgart, 1957) is important for the purposes of this bibliography because of the lessons it presents to German political leaders of today; M. G. Lange, Gerhard Schulz, Klaus Schütz, Arnold Bauer, Rudolf Holzgräber, and Martin Virchow, *Parteien in der Bundesrepublik* (Stuttgart, 1955) tells the story of post-war parties (except the KPD and SRP) up to the elections of 1953, in a massive volume which is indispensable to the student (it has an introduction by Sigmund Neumann); Wolfgang Hirsch-Weber and Klaus Schütz, *Wähler und Gewählte* (Berlin, 1957) examines the 1953 *Bundestag* elections (introduction by Otto Stammer); Otto Busch and Peter Fürth, *Rechtsradikalismus im Nachkriegsdeutschland* (Berlin, 1957) examines the "*Sozialistische Reichspartei*" (*SRP*). The authors had access to the party documents that induced the Federal Constitutional Court to declare the party illegal.

Other important contributions to the literature on political parties are *Beiträge zur Geschichte des Parlamentarismus und der politischen Parteien*, published by the *Kommission für Geschichte des Parlamentarismus und der politischen Parteien* (Düsseldorf, 9 issues, 1952–56): Ludwig Bergsträsser, *Die Entwicklung des deutschen Parlamentarismus* (Lauptheim, 1954); Michael Freund, *Das Elitenproblem in der modernen Politik* (Munich, 1954, No. 46 of *Politische Bildung*); O. H. von der Gablentz, *Politische Parteien als Ausdruck der gesellschaftlichen Kräfte* (Berlin, 1952); Gerhard Leibholz, *Der Strukturwandel der modernen Demokratie;* Karl Buchheim, *Geschichte der christlichen Parteien in Deutschland* (Munich, 1953); Theodor Eschenburg, *Der Beamte in Staat und Partei* (Frankfurt, 1952); F. A. Frhr. von der Heydte, *Fiktion und Wirklichkeit der westdeutschen Demokratie* (Munich, 1954, No. 48 of *Politische*

Studien); and Hans Georg Wieck, *Die Entstehung der CDU und die Wiedergründung des Zentrums im Jahre 1945* (Düsseldorf, 1953). Ernst Deuerlein, *CDU/CSU 1945–1957: Beiträge zur Zeitgeschichte* (Cologne, 1957) tells the history of the Christian Democratic Union and its sister party, the (Bavarian) Christian Social Union, and presents the policies pursued by these parties and the Adenauer government from the point of view of the CDU. Erich Reigrotzki, *Soziale Verflechtungen in der Bundesrepublik* (Tübingen, 1956), published for the UNESCO Institute of Social Sciences in Cologne, endeavors to give concrete data concerning the effect of membership in churches and other organizations on participation in political life. The methods used in the study are discussed in some detail.

Much material on Catholic social theory is found in Oswald von Nell-Breuning, S.J., and Hermann Socher (eds.), *Wörterbuch der Politik* (Freiburg i. B., 1947–52); Catholic writers interested in synthesizing socialistic ethics with Catholic social theory contribute to the monthly *Frankfurter Hefte*, edited by Eugen Kogon and Walter Dirks.

The *Bundeszentrale für Heimatsdienst*, supported and supervised by the Ministry of the Interior, publishes a very useful weekly, *Das Parlament*, with news and articles on domestic and international political and governmental developments; it includes signed contributions by party leaders as well as by outstanding scholars.

For constitutional aspects of German parties see Ernst Forsthoff, Karl Loewenstein, and E. Matz, *Die politischen Parteien im Verfassungsstaat* (Tübingen, 1950); F. A. Frhr. von der Heydte, "Freiheit der Parteien" in Neumann-Nipperdey-Scheuner, *Die Grundrechte* (cited above, III, 3) and Werner Weber, *Spannungen und Kräfte im westdeutschen Verfassungssystem* (Stuttgart, 1951).

Much material of value is found in the monthly *Politische Studien* (formerly *Politische Bildung*), published by the *Hochschule für Politische Wissenschaften* in Munich. It includes numerous book reviews. The Munich *Hochschule* also sponsors the annual *Literaturverzeichnis der politischen Wissenschaften*, which lists all pertinent books and pamphlets. Library of Congress bibliographies include Dolf Sternberger, *Research in Germany on Pressing Social Problems* (1950) and *Social Sciences in Western Germany* (1950); Ernst Wilhelm Meyer, *Political Science and Economics in Western Germany* (1950) and *Political Parties in Western Germany* (1951); Max Horkheimer, *Survey of Social Sciences in Germany* (1952); and A. R. L. Gurland, *Political Science in Western Germany* (1952).

An important study of the character of German political parties and of pressure groups and the problems they present to the law-giver was prepared by a group of professors of law, political science, history, philosophy, and sociology, at the request of the Federal Minister of the Interior, as part of the preparatory work on the draft of a federal law on political parties in compliance with the provision of Article 21 of the Basic Law. Among the problems studied are party functions, finance, and structure, selection of candidates, and the dissolution of parties. The fifteen authors of the Report include the best German writers on political parties—men of greatly varying political persuasions. Quite naturally, there is no unanimity in the group on all recommendations of the Report, published as *Rechtliche Ordnung des Parteiwesens: Probleme eines Parteiengesetzes Bericht der vom Bundesminister des Innern eingesetzten Parteienrechtskommission* (Frankfurt, 1957). The Appendix lists a good many references not found in other bibliographies on political parties and pressure groups. Another study by independent scholars sponsored by the Federal Minister of the Interior is *Grundlage eines deutschen Wahlrechts* (Frankfurt, 1955), which goes deeply into the pros and cons of proportional representation and other aspects of electoral systems. Helmut Unkelbach, *Grundlagen der Wahlsystematik: Stabilitätsbedingungen der parlamentarischen Demokratie* (Göttingen, 1956) is a strong argument against proportional representation, by a mathematician concerned with democracy and political stability. Its bibliography lists 159 items.

VIII. THE PRESS AND PERIODICALS

The attitudes and aims of political parties or party factions can often be ascertained by a perusal of some of the numerous daily papers and periodicals that are controlled by them or are "close" to them. The same is true of those of interest groups, such as veterans, refugees, trade unions, employers' organizations, religious groups, and others. Political leaders often contribute signed articles. Willy Stamm (ed.), *Leitfaden für Presse und Werbung* (Essen, 10th ed., 1957) covers both the Federal Republic and the German Democratic Republic (Soviet Zone government); it lists 1,136 daily and weekly newspapers (also all small town and rural sub-editions appearing under different names), arranged alphabetically by name of paper in Part I and, in Part II, by place of publication. Political, religious, or other orientation is indicated for each publication, also circulation (except, in most cases, for the DDR). A special table lists places of publication for each *Land*, the former Saar Territory, the DDR, and the Polish-administered territories, and their respective population (except for the last two areas named). Part III lists 8,010 periodicals and annuals, giving place, name and frequency of publication, and name of publisher; also 361 house organs of commercial, religious, and public enterprises. Part IV lists all periodicals by categories: 425 official and semi-official (local, *Land*, federal, and Western Allied); 213 for workers, employees, teachers, policemen, government officials, etc.; 322 of an educational nature; 220 political (including veterans' and political party publications); 207 for refugees and displaced persons; 97 legal; etc. (circulation data for the DDR are rare). Some statistical volumes are listed under annuals. The list of German-language newspapers and periodicals published abroad includes many titles of political interest: Sudeten German Social Democratic publications in Great Britain and Sweden; German-minority publications in Belgium, Denmark, and Italy; German language Communist publications in Czechoslovakia, Roumania, the U.S.S.R., and Yugoslavia; newspapers and periodicals all over the globe. See also the list of all press relations offices for the federal and *Land* governments and all cities with a population over 50,000. Of similar value as a guide is E. Dovifat, *Die Deutsche Presse 1956* (Berlin, 1956; new edition planned for early 1959). It also contains articles on political, economic, and cultural aspects of the press and periodicals, contributed by scholarly writers. Its editor is director of the *Institut für Publizistik* at the Free University in Berlin. The *Archiv der Gegenwart* (1931–; now published in Munich) provides in its weekly issues day-by-day reports on important events all over the world, with emphasis on Germany, Austria, and Switzerland. The texts (or extended excerpts) of many official communiqués, speeches, and treaties or agreements are given verbatim. The detailed monthly, quarterly and annual indices of subject matter and persons (quarterly) make this publication an indispensable reference work for the student of German government, politics, and their various ramifications.

IX. MISCELLANY

Germany has a large number of legal periodicals, which contain articles not only on constitutional and other legal questions, but also on public administration and politics. The most important are *Archiv des öffentlichen Rechts* (Tübingen), *Archiv für Rechts und Sozialphilosophie* (Berlin), *Jahrbuch des öffentlichen Rechts* (Tübingen), *Juristische Rundschau* (Berlin), *Juristenzeitung* (Tübingen), *Monatsschrift für deutsches Recht* (Hamburg), *Neue Juristische Wochenschrift* (Munich), and *Zeitschrift für öffentliches Recht und Verwaltung* (Munich). Public administration and administrative law are stressed in *Die öffentliche Verwaltung* (Stuttgart), *Deutsche Verwaltung* (Hamburg), *Deutsches Verwaltungsblatt* (Cologne), the *Verwaltungsarchiv: Zeitschrift für Verwaltungsrecht und Verwaltungsgerichtsbarkeit* (Berlin), and *Der öffentliche Dienst: Fachzeitschrift für Beamte und Angestellte der Verwaltung* (Dusseldorf). Personnel administration is the specialty of *dgp Informationen* (Frankfurt) which is published by the *Deutsche Gesellschaft für Personalwesen*. Various political, legal, and other problems are discussed in *Zeitschrift für die gesamte Staatswissenschaft* (Tübingen) and *Schmollers Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft* (Berlin). The *Zeitschrift für Politik* (Berlin) is sponsored by the German Political Science Association, while *Der Wähler* fights the struggle of the *Deutsche Wählergesellschaft* against proportional representation, while giving much attention to the problems of the intelligent voter in general.

A good many articles of value and interest in the political, constitutional, and public administration field are published in the leading daily papers, which seek the contributions of scholars and public leaders.

A good many gems of scholarship are found in the various *Festschriften*, which are published frequently. Those listed below contain contributions in the field of constitutional, public, and administrative law and politics. The full titles are not given because they are not indicative of the contents even though they are inordinately lengthy. The books are, however, easily located in university catalogues. See the *Festschriften* in honor of Minister President Karl Arnold (Cologne, 1955), Ludwig Bergsträsser (Düsseldorf, 1955), Carl Bilfinger

(Cologne, 1954), Gustav Boehmer (Bonn, 1954), Josef Ebers (Paderborn, 1950), Zaccaria Giacometti (Zürich, 1953), Julius von Gierke (Berlin, 1950), Friedrich Giese (Frankfurt, 1952), Erich Kaufmann (Stuttgart, 1950), Herbert Kraus (Kitzingen/M, 1954), Wilhelm Laforet (Munich, 1952), Rudolf Laun (Hamburg, 1953), Hans Nawiasky (Stuttgart, 1956), Gerhard Ritter (Tübingen, 1950), Alexander Rüstow (Zurich, 1955), Rudolf Smend (Göttingen, 1952), Richard Thoma (Tübingen, 1950), Hans Wehberg (Frankfurt, 1956), and the 41st *Deutscher Juristentag in Berlin* (Berlin, 1955).

Mention should be made of Richard Mönnig, *Deutschland und die Deutschen im Englisch-Sprächigen Schrifttum 1948–1955* (Göttingen, 1957), especially its sections on Law and Legislation; History, Politics, Political and Social Science; Refugees and Expellees; Germany under Occupation; Germany since 1945; Economics and Labor; and Social Science and Welfare. *Inter alia*, the book lists many OMGUS, HICOG, and British occupation publications not referred to elsewhere.

James B. Childs, Specialist in Government Document Bibliography, Library of Congress, is preparing a list of all official publications of the zonal and bizonal agencies and organs of the Parliamentary Council and of all official publications of the Federal Republic, to be entitled *German Federal Republic official publications, 1949–1957, with inclusion of preceding zonal publications.* It will, it is hoped, be completed in the fall of 1958. A list of official publications for the Soviet Zone of Germany and the German Democratic Republic has been begun. When completed, these lists will be available for consultation in the Library of Congress and for a very limited distribution; it is presumed that microfilmed copies will be available for sale.

Allemagne d'aujourd'hui, Revue française d'information (Presses Universitaires de France, Paris) is an outstanding bi-monthly periodical which chronicles and reviews events and developments in both West and East Germany in the fields of domestic politics, foreign policy, military questions, church life, history, economics, sociology and cultural affairs. It reports on all French-German congresses and the meetings of West and East German writers. Numerous reviews of German books are included, also bibliographies. The no. 6 issue of 1956 contains a "Revue des Revues" which characterizes briefly the most important periodicals of both parts of divided Germany. The caliber of the journal, edited by Georges Castellan, is indicated by its "Comité de Patronage" which includes most of the French specialists on Germany, including André Francois-Poncet, Robert d'Harcourt, Jean Schlumberger, and Edmond Vermeil. The juxtaposition of West and East Germany as seen from a French angle gives this periodical a special value.

BOOK REVIEWS

Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience. By Karl W. Deutsch, Sidney A. Burrell, Robert A. Kann, Maurice Lee, Jr., Martin Lichterman, Raymond E. Lindgren, Francis L. Loewenheim, and Richard W. Van Wagenen. (Princeton: Princeton University Press. 1957. Pp. xiii, 228. $4.75.)

This is the first in a series of publications of the Center for Research on World Political Institutions at Princeton. Its members have engaged in a large-scale interdisciplinary study of integration in international organization. They note that war has for all practical purposes been eliminated from large areas of the world and they set out to discover the reasons. They find the conditions of peace in integration or the attainment of a security-community in which members settle their disputes by peaceful means. By definition: "a security-community is a group . . . which has become integrated." Integration is "the attainment, within a territory, of a sense of community."

Security-communities are of two types: amalgamated and pluralistic. An amalgamated community is the formal merger of two or more independent units into some type of unitary or federal government. The United States is an example. A pluralistic security-community, *e.g.*, the combined territory of the United States and Canada, retains legal independence for the separate governments. Integration does not always take place within an amalgamated unit—the Hapsburg Empire in 1914—or a non-amalgamated one—the United States and the Soviet Union today.

The method of the study is to isolate the requirements of successful integration by studying past and present security-communities that succeeded or failed. Three dozen historical cases were suggested for study and eleven of these are from western and central Europe, including the British Isles, France, Austria-Hungary, Norway, Sweden, and Switzerland. The eight cases chosen for most intensive study were the United States, the union between England and Scotland, the breakup of the union between Ireland and the United Kingdom, the unification of Germany and of Italy, the preservation and dissolution of the Hapsburg Empire, the union and separation of Norway and Sweden, and the integration of Switzerland.

These case studies throw doubt on a number of widespread beliefs, including the views that modern communication and transportation tend inevitably to foster larger and larger security-communities, that fear of anarchy and war is always a principal motive for unification, and that the monopoly of power in the hands of a central unit is the coercive factor binding smaller groups together. They suggest that pluralistic security-communities are more readily established and less vulnerable to breakdown. Both types of communities grow up around core areas of strength of larger and more advanced political units. Integration is accelerated by the further increase of these capabilities in the movement toward amalgamation. Success is measured by the relationship of two rates of change: the growing capabilities of larger governmental units as against the growing rate of claims and burdens placed upon them.

A number of conditions appear to be essential for integration. The "politically relevant strata of all participating units" must share common "main values" and expectations or, at least, there must be a depoliticization of conflicting values. The most obvious examples are changes in Protestant-Catholic differences or the race problem in the United States after 1876. Increased administrative, political, and economic capabilities usually accompany or precede amalgamation: *e.g.*, England, Prussia, and Piedmont experienced higher economic growth rates before and during amalgamation. Greater mobility of persons among main units may also be important. A network of common functions and services—postal, cultural, commercial, and scientific—may also prepare the ground for political unification, as in the American colonies and Germany before 1871. A distinctive way of life, mutual predictability of behavior, and a broadening of the political elite also have significance.

A similar taxonomy is derived for pluralistic security-communities and distinctions are made between these and amalgamated communities. Students of international organization will be grateful for this analysis and, no less, for the rich insights (not all of them carried to conclusions) in which the study abounds. To mention one of these insights: the main sources of opposition to amalgamation movements have been peasants or rural groups and especially privileged classes and regions. Success in integration has depended on the making of effective concessions to these groups. Or, to note another insight: the study leads to sober questioning of the thesis that the North Atlantic area is being carried uninterruptedly toward integration on a rising tide of internationalism. The evidence is mixed on this count.

Having said this, the reviewer, who has marched faithfully from one category to another in a study heavily weighted with the baggage of methodology and classification, is still left with a series of questions. How does one measure the value of such an inquiry against studies in history and political science that deal with separate political communities? What is the lasting importance of this endeavor against great histories of Europe or classic philosophical and sociological studies of "community"? Is all the pseudo-scientific apparatus helpful or diverting? How useful are the concepts, particularly those like integration and security-community, which are defined with circularity in terms of one another? How transferable are concepts, like "takeoff," drawn from economic development or some other discipline or area? Is the sample of communities extracted from a segment of history that is sufficiently representative? What about the notion that force is not decisive in bringing about amalgamation? Are the implied comparisons valid between integration in smaller nation-states and the sprawling and multifarious international society with all its peculiar conflicts and lack of community? Finally, what of the informing spirit of the research inherent in its aim to make a contribution not to the limitation of conflict or adjustment of rivalries but explicitly to "abolish war"? Is there, in the end, a utopianism, an indifference to the political problem, to the nature of international politics and to the imperatives of great power strife that limits the seriousness and importance of an otherwise enlightened and careful study?

Perhaps only the individual scholar, with his separate concerns and problems, can answer such questions for himself as he turns to what inevitably is a useful body of data.

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Rockefeller Foundation.

Limited War: The Challenge to American Strategy. BY ROBERT ENDICOTT OSGOOD. (Chicago: University of Chicago Press. 1957. Pp. xi, 315. $5.00.)

Limited War is a thoughtful study of one of two defined objectives of "the rational use of military power." These are "(*a*) the deterrence of such major aggressions as would cause total war; (*b*) the deterrence or defeat of lesser aggressions." This book is directed toward the achievement of the second. Professor Osgood's basic assumption is that if we lack the capacity and will to wage limited war, limited Communist aggression, which he anticipates, will force us to make a disastrous choice among total war, non-resistance, or ineffective resistance.

The work is divided into three parts: War and Policy, The Lessons of History, and American Strategy. The first presents a theory of limited war and an analysis of the American and the Communist approaches to war; the second tells of the decline of limited war and the advent of total war; and the last deals with the present period of war, containment before Korea, the Korean War, containment after Korea, and finally "Toward a Strategy of Limited War." From this combination of historical analysis and theoretical development there emerges a concept of world politics and national responsibilities in sharp contrast to the traditional or conventional American myth. The myth on which so much of our foreign policy has been based assumes that international relations depend—or should depend—exclusively on morality; that power is immoral; that good nations should eschew the use of power; and that, alternatively, when power must be used, it should be total power employed to destroy evil nations. For a number of years the rejection of this model has been growing apace. So too has the rejection of the stylized Wilsonian model, in which, as Professor Osgood describes it, a community of power would be developed that would rely primarily on world opinion and, where necessary, on economic boycott and sanction; a world in which peacetime coalitions would be banned—as indeed Wilson insisted.

There have been other models of the uses of power, largely based on divergent theories of the causes of war—notably, for example, classical mercantilism, Mahan's neo-mercantilism, and Marxism. These too Professor Osgood rejects, though he accepts much of the Marxist theory about the use of war, derived as it is from Clausewitz, whom he greatly admires.

Limited War presents a quite different model. In an earlier work, *Ideals and Self-Interest in America's Foreign Relations*, Professor Osgood had already grappled with the complex of problems involved in relating political ends and military means to a reconciliation of "national policy with liberal, humane ideals that transcend purely national purposes." The model developed in the earlier work and restated here presents the use of power as a necessary and legitimate means for the execution of morally justifiable national policy. This concept of the use of power covers a broad spectrum; *Limited War* necessarily deals with one definable limited band of the spectrum and develops therefrom what might be described as a specialized model. Certainly this image is far closer to the real and dangerous world in which we live than what has been rejected. Serious difficulties arise, however, because in a sense Professor Osgood is proposing an ideal American foreign policy applicable in actual international relations, for which the central theme, limited war, is an unsatisfactory focus. Because of this, there is a constant danger of misleading the reader.

A few examples may illustrate the point. While there is a conscientious recognition of the growth of American maturity in foreign policy in the last two decades, the weight of the historical presentation is heavily on the side of a judgment that stresses the American preference for all-or-nothing pietism or total war. Not until the last chapter is it suggested that in the late 1950's our nation suffers not so much from its national defects as from a failure of leadership. Thus too, Roosevelt's (and Churchill's) doctrine of unconditional surrender is described as one evidence of "political blindness," a failure to use war as an instrument of policy. Roosevelt may have been wrong (though I doubt it), but if so, he was guilty of political error, not blindness: what he sought was to use war to teach Germany a lesson, *i.e.*, for post-war ends.

More important, perhaps, as an obstacle to understanding is the constant tendency to equate containment and limited war. Obviously Professor Osgood is not unaware of the important function of economic and other aid *sans* actual American intervention—indeed an eloquent comment in his concluding chapter points to the contemporary predominant importance of non-military measures in the great gray zone from Iran to Korea. Yet the desire to keep the model elegantly articulated leads to a description of our Greek aid program as an example of limited war. This too is misleading. In Greece we provided material aid and advice; we carefully and very publicly made sure that we ourselves did not participate in the fighting—and for Greece the war was not limited.

One more word on the difficulties of model-building. In this model of limited war as a tool of power politics, ideas and ideals tend to be pushed aside as sentimental aberrations. But where would Communism and the Soviet Union be today if the *Communist Manifesto* and *Das Kapital* had not inspired hopes and desires? The abuse of our own national ideas and ideals by pietistic utterances and bombast does not mean that ideas and ideals are without force. To define international relations as "pure power politics" in which the sole objective is power *pur sang* is hardly descriptive of a world in which mankind has manifold aims and in which—save perhaps for an occasional Hitler—power is more a tool than an ultimate objective.

To end a review on this note would be to understate the value and importance of Professor Osgood's work. Here is a serious though I fear oversanguine analysis of how war can be limited and how limited war can be used. Here is presented a thoughtful consideration of the possible advantages of tactical nuclear weapons—and their perils—though one may not share Professor Osgood's hope that the world can easily be persuaded of the moral neutrality of the atom. Today more than ever, we can hear Time's winged chariot hurrying near. Perhaps with the advent of the missile, direct intervention by any major power in any war, even a limited war, becomes impracticable. But a sober facing up to such questions will depend in large part on the kind of careful analysis that Professor Osgood has applied to the pre-missile world.

HAROLD STEIN.

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What Is Justice? Justice, Law, and Politics in the Mirror of Science. BY HANS KELSEN. (Berkeley and Los Angeles: University of California Press. 1957. Pp. 397. $7.50.)

Professor Kelsen's first book (published in German in 1905) was on the political ideas of Dante. Later, he concentrated on legal theory, in which field he created the "Pure Theory of Law," the most widely discussed (and disputed) modern school in jurisprudence. Yet at no time did he abandon his original interest in political philosophy, and in the last twenty years of his rich and creative career he has returned more forcefully and systematically to his first love. In the study of the history of political ideas, Kelsen's primary interest has been in the ancient period, particularly Plato and Aristotle. In the field of analytical political philosophy, Kelsen's principal areas of concern have been the problems of justice, natural law, and ideology, and—in a more general sense—the relations of politics and philosophy. Kelsen's main contributions to these perennially timely issues have been in the form of articles dispersed in many learned journals and therefore at times not as easily accessible to the student as they ought to be. The present volume, *What Is Justice?*, is therefore to be welcomed as gathering together at least some of Kelsen's essays in political and legal philosophy. Moreover, the volume contains four articles of which three have hitherto been unpublished and one available in Spanish only. These new pieces make the volume doubly valuable. The fifteen articles assembled in *What Is Justice?* are not a helter-skelter potpourri of occasional-pieces on unconnected themes but are concentrated on a few issues inextricably tied together: the problem of justice, natural law, the relations of philosophical and political analysis, the role of ideology in social and legal science, and a restatement of the fundamental principles of the pure theory of law and their applicability to some major problems of law and the state.

The title of the present volume is derived from the opening essay, "What is Justice?" based on the author's farewell lecture at the University of California in 1952. This question, Kelsen holds, is as unanswered today as it always has been, and he suggests that perhaps more progress may be expected by improving the question than by trying to find a definitive answer. Kelsen is not satisfied with the Platonic identification of justice with happiness, because the question is still left open as to the nature of happiness. The Benthamite formula of the greatest possible happiness of the greatest possible number is still not satisfactory, according to Kelsen, because Bentham conceives of happiness in an individual-subjective sense, and inevitably different individuals have different notions of happiness. What a just social order can assure is, therefore, only happiness in a collective-objective sense, or the satisfaction of socially recognized needs. This transformation of individual-subjective into collective-objective justice (or happiness) is analogous to the transformation of freedom in its anarchical subjective meaning of complete absence of restraint into freedom in the collective-objective sense: that is, government that is self-imposed and supported by at least the majority of the community. Yet this refinement of the question provides, in itself, no final solution of the problem of justice, because socially desirable and recognized needs have to be satisfied according to a set of priorities, since all such needs cannot be met simultaneously and satisfactorily to all. The problem of such conflicting needs and interests is behind the problem of conflicting values, and the two are, in fact, identical, Kelsen argues. Conflict of values cannot be solved by rational cognition, but by will deriving from emotional and irrational sources. In arriving at this conclusion, Kelsen rejects not only the classical metaphysical approach as first formulated by Plato, but also the more modern rational (or "rationalistic") approach. Neither nature nor reason can provide the foundation for a reliable theory of values. Nature cannot do the job, because nothing can be deduced from facts as to what is to be or what is to be done. As to reason: it can only describe, but not prescribe, human behavior.

Kelsen supports his general theoretical position by specific studies of Platonic justice (first published in English in 1938), the idea of justice in the Holy Scriptures (published in this volume for the first time in English), and Aristotle's doctrine of justice (hitherto unpublished). His essay on Platonic justice is well known, and his paper on Aristotle repeats some of the arguments of his earlier article on Aristotle's general philosophy (*Ethics*, vol. 48, October, 1937). His analysis of Platonic justice is more provocative and goes more to the root of things than the corresponding article on Aristotle, and it is to be greatly regretted that the present volume does not include his long study of "Platonic Love" (*American Imago*, vol. 3, April, 1942), one of the most original Plato studies of the last twenty years. The inclusion of the lengthy paper on the idea of justice in the Holy Scriptures in the present volume will be welcomed by all students of religion and political philosophy. Kelsen deals with both the New and Old Testaments and reveals much that is generally neglected by students of political philosophy. These historical studies will, of course, appear most convincing to those who share Kelsen's basic philosophical presuppositions. But even those who do not share them will find these case studies of the evolution of the concept of justice informative and suggestive of further speculation.

Kelsen's firm adherence to philosophical relativism also appears in his papers on "Relativism and Absolutism in Philosophy and Politics," "Value

Judgments in the Science of Law," and in his several papers on natural law. Above all, Kelsen defends philosophical relativism against the frequently voiced charge that it leads to amorality, immorality, or at least the abdication of personal moral responsibility. The statement that values are relative still maintains the existence of values—but in a pluralistic, not a monistic, system. Moreover, far from relieving the individual from the duty of moral responsibility, philosophical relativism compels him to make his own choice as to what is right and wrong rather than have this issue decided for him by an absolute (and therefore authoritarian) system. Obedience is easier than choice, and Kelsen goes from the defensive to the offensive by arguing that philosophical absolutism is more likely to relieve the individual of the sense of moral responsibility with its corollary of choice.

The present volume will probably not convince those who have not been convinced so far by philosophical relativism. Moreover, this failure will perhaps be due to the fact that Kelsen presents a version of philosophical relativism that is, in some respects, more extreme than that of a leading philosophical empiricist like Bertrand Russell or of a leading logical positivist like Ayer. Even if it be conceded that *ultimate* values cannot be validated by fact or reason, there is still a large area of intermediate and lesser values in the clarification of which rational cognition can play a creative role, particularly since most conflicts of values in practical politics do not necessarily deal with ultimates, but with proximates. Yet Kelsen fails to explore the potential role of reason in this intermediate zone of the world of values; he thus makes his case more extreme than it need be. Also, he does not consider the contributions of recent sociology (Morris Ginsberg, Talcott Parsons, Karl Mannheim) to the problem of value. After all, even if it be granted that value preferences derive from emotions, it is still true than some emotions are more emotional than others, and some more rational than others. Modern psychology and psychiatry have thrown a great deal of light on this question, but this tentative evidence is disregarded by Kelsen. For over two thousand years the problem of value has been exclusively treated by philosophers and theologians; newer disciplines and approaches may still contribute insights that have eluded the older approaches of philosophy and theology.

Yet, despite these criticisms, *What Is Justice?* will remain an important collection of essays on fundamental philosophical problems in the border areas of politics, law, and philosophy.

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Princeton University.

Law and Structures of Social Action. BY KENNETH S. CARLSTON. (London: Stevens and Sons; New York: Columbia University Press. 1956. Pp. xii, 288. $5.50.)

This study exemplifies the current trend in the "behavioral" sciences to construct operational definitions for their basic terms in order to formulate hypotheses amenable to empirical test. Along the lines of Parsons and Kluckhohn in sociology and Latham and Simon in political science, "State," "Law," and related terms are being defined as interaction relationships among members within a group. Certain problems of the legal control of economic organizations at the national and international level are examined in the light of these concepts.

The author's basic concept is that of the group. Although not explicitly stated, it is really the small, task-oriented group that he has in mind and uses as model for large-scale social and political structures. "Individuals coalesce into groups to attain *common ends* and purposes" (p. 99; italics the reviewer's throughout). "The members of the group interact with one another with a common perception of their unity, a common perception of their *goal* . . . " (p. 10). These characteristics are applied to the State as well, and thus the State becomes essentially a large small group, with the one additional feature that its members accept the authority of governmental leaders and institutions (pp. 65, 103). Such a view of the State makes little allowance for rival pressure groups and parties, which may not share a "common purpose," nor for political leaders who use alleged "group goals" as ideological weapons to further their own ends. Totalitarianism is enough to refute the generalizations that "in the modern State authority is accepted . . . because it is . . . directed towards reaching goals *important to its members*" (p. 105) and that "The State makes life possible and *worthwhile* for them" (p. 103). The author believes that "if the governed participate in decision-making by those in authority, we have democracy" (p. 15) and that "the national self-interest is the primary factor influencing the foreign policy of any one State" (p. 113). These views are perfectly consistent with the picture of the State as a task-force in which all co-operate to realize a common goal, and the author accepts them without apparently realizing how often they have been recently challenged. While the behavioristic approach enables the author to criticize effectively the classical theory of the State as supreme coercive power endowed with a mythical will (pp. 54–56), his own simplified conception leads him to views that some would consider no less mythical than those that he so rightly criticizes.

"Law," too, is defined exclusively in terms of human behavior, as "*conduct* which has become so institutionalised (*i.e., established*) within the group and so clearly related to and necessary for reaching *group goals* that the group regards it as obligatory" (p. 6). Yet, Law may also refer to conduct which citizens consider obligatory because it is necessary for reaching the goals of a power elite. Furthermore, this definition of "Law" makes no distinction between legal conduct and behavior considered obligatory without being legal. According to this view, all behavior described in *The Organization Man* would belong to the Law. It does not weaken the behaviorist's position to recognize that Law is not conduct; that Law cannot simply be inferred from "observable sequences of human behavior"; that a definition of "Law" must also refer to a system of (officially enacted and enforced) *rules* found "in books." Similarly, if "the content of the rules of international law" could be ascertained from "the predictable behaviour of government officials" identified with different States

(p. 145), there would be no distinction between normative rules of international law and empirical laws of international politics.

The author's treatment of some topics (selected at random) of domestic and international law in their relationship with economic organizations is all the more cogent as it can be dissociated from his conceptual framework. All together, this study may be welcomed as another effort toward a more empirical science of politics. At the same time, it illustrates the danger of trying to fit complex social structures into simplified behavioristic schemes.

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Brussels, Belgium.

An Economic Theory of Democracy. BY ANTHONY DOWNS. (New York: Harper and Brothers. 1957. Pp. ix, 310. $4.50.)

Is political theory dead? It has been so proclaimed; but at the very least there are stirrings in the putative coffin. Indeed the volume under review has been hailed by Charles E. Lindbloom, Professor of Economics at Yale, as proof that political scientists do have "an underlying implicit theoretical system" although it has taken an economist, Mr. Downs, to make it explicit. The validity of this appraisal may be a matter for debate, but this reviewer ventures to predict that Downs's volume will give a substantial fillip to democratic theory, especially to the application of game theory to democracy—a movement already given impetus by Dahl's *Preface to Democratic Theory.*

The title of the book calls for a word of explanation. What is meant by an "economic" theory of democracy? It is by no means intended to explain democracy in terms of economic motivation or determinism. Downs comes to his study from the field of welfare economics. This subject frequently points to inherent deficiencies in the market mechanism. Even with perfectly rational behavior by all individuals the general interest will not be maximized. In such situations the usual pattern is to suggest that the state should take over where the market mechanism is inadequate. The implicit assumption is that a democratic state in which men behaved rationally would handle these matters in ways that would secure the general interest. This postulate Downs sets out to examine. (Incidentally, he finds it invalid.)

More generally and more fundamentally, Downs is tackling the crucial problem of welfare economics—how to translate an aggregate of individual ends into a system of social ends—by introducing political factors, and in the process developing a true science of political economy. Yet he does not claim to have developed a normative theory. Rather, he is content with a positive theory, providing a model that will show what *would* happen under certain conditions. One of the crucial conditions is the equality of the franchise. In other words, he posits as a fact society's acceptance of the important ethical norm inherent in this device.

Downs's theory of democracy then is based upon the familiar model of the rational man in the sense in which that term is used in both traditional economic theory and in the new welfare economics. It is in this sense only that it is an "economic" theory. Indeed, it may be noted in passing that Hobbes makes the same assumption for his "political" man and that classical liberal political theory does likewise.

Downs proceeds to construct a political model, drawing on the assumption of rational men who seek to maximize utility and who have systems of ordered preferences to which they consistently adhere. The model is based on the further assumptions of a simple form of parliamentary democracy, and of political parties whose sole aim is to win elections.

The book comprises four parts. In the first, the model is constructed and the basic logic of government decision-making explored. The next two parts examine the effects on the model of uncertainty and of information costs. The fourth relates the present work to previous economic theories of government behavior and enumerates certain testable propositions that may be derived from Downs's theory.

Analysis of the logic of government decision-making leads to some interesting conclusions: for instance, that the model democracy (assuming a two-party system) would be characterized by regular alternation, at each election, of parties in power. More disturbing, the result in the most probable circumstances would *not* produce a socially rational policy: that is, one that would maximize welfare in the utilitarian sense. (This tension between individual and social rationality is a recurring theme.) Most serious of all, at this point the model tends to break down from its own consequences. The assumption that the government would seek to maximize votes (or seek re-election) becomes unrealistic in view of the fact that there would be an inevitable alternation of parties in power. Accordingly, the rational course of action for the party in office would be to turn to some other goal, such as seeking immediate material gain for its controlling group. It is here that uncertainty enters the picture—not to wreck, but to save the model. Because voters' preferences on each possible issue can not be known with accuracy, and only for this reason, the democratic process does not break down after all. Thus democracy works (in so far as it does work) only because in certain respects it falls short of its assumed model!

The consequences of uncertainty and of information costs are so many and varied that only a sketchy sample can be mentioned here. Democratic governments tend to decentralize their own power, regardless of their constitutional structure; it is rational for parties to develop ideologies and to be honest and consistent in putting them into practice; uncertainty and the costliness of information tend to check the otherwise natural tendency to interfere with the natural (*i.e.*, prevailing under free competition) income-distribution process; information costs multiply the number of cases in which rational behavior calls for nonvoting.

Many of Downs's conclusions, especially with regard to the party system, fall in the category of the commonplace. But more important than the conclusions is the method. If it is sound, it provides a body of theory by which particular inductively derived conclusions may be reinforced. Is his model closely enough related to reality to perform this function? It is possible that democracy must depend upon some degree of public spirit on the part of elected representatives: on a willingness, that is, to act for the public welfare when that is contrary to the individual welfare of the elected official. If so, a more accurate model for democratic theory would be one that modified the concept of rational behavior to take this "irrational" feature into account. Whether such a model would lend itself to useful deductive theorizing is open to question. However this may be, the book is both stimulating and enlightening and should do precisely what good theory ought to do: namely, give guidance to empirical research. To state a single example, information about the actual distribution and clustering of interests and attitudes in a given society now achieves a new significance and readiness of application to questions of practical import. Moreover, even on the theoretical level, Downs's work, like that of any pioneer, is only a beginning. It does not deal with the complications involved in a presidential system, with its multiple constituencies. It says nothing about the relationships between the political and the administrative branches of the government. In short, it has not occupied a field; it has opened one.

J. ROLAND PENNOCK.

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Totalitarian Dictatorship and Autocracy. BY CARL J. FRIEDRICH AND ZBIGNIEW K. BREZINSKI. (Cambridge, Mass.: Harvard University Press. 1956. Pp. ix, 346.)

The main propositions in the theoretical introduction to this book are in the main repeated verbatim from Carl J. Friedrich's paper, "The Unique Character of Totalitarian Society," read at a Conference on Totalitarianism at the American Academy of Arts and Sciences in March, 1953 (*Totalitarianism,* ed. by Carl J. Friedrich, Harvard University Press, 1954, pp. 47–60). The various communist regimes, fascism, national socialism, and Peron's government in Argentina are said to be all basically, though not wholly, alike and to have six characteristics in common. These traits are an official ideology or doctrine advancing a chiliastic claim, a single mass party under the leadership of one man which is "either superior to, or completely intertwined with" the governmental bureaucracy, a system of police controls which systematically exploits modern science for purposes of terror, monopolistic control by the party of all means of mass communication, monopolistic control by the party of all means of armed combat, and control and direction of the entire economy. (The sixth trait has been added to the 1953 list, which consisted of only five items.)

Since the last four features are dependent upon the existence of modern science and technology, modern dictatorship differs from all earlier autocracies in which technology was less highly advanced. Totalitarianism is "historically unique" and, in the words of the authors, a "logical exaggeration" of "the technological state of modern society." Its other two traits—an ideology and a mass party—appear to the authors as "a perversion of democracy."

Another major proposition of the authors is merely stated but not really discussed. They say that "totalitarian dictatorship as it actually developed was not intended by those who created it." In a way, this statement is a truism, inasmuch as all historical actions have unforeseen consequences, but in the minds of the authors it may have a deeper significance: in various other places as well the authors present their insights in Hegelian terms. For example, the relation of "the" totalitarian ideology to "Christian and democratic ideology" (*sic*) is said to be "a 'dialectic' one, that is to say, the relation is antithetical." " . . . In the movement of ideas the root is often the thesis of which the idea or ideology in hand is the antithesis" (p. 88).

In discussing the role of the dictator the authors take issue with Franz Neumann and other writers who have applied Max Weber's theory of charismatic leadership to Hitler's rule. The authors point out that Weber's concept of charisma "implies a transcendent faith in God which was characteristically lacking both in Hitler himself and in the typical follower of his creed; the same was true of Mussolini and other Fascist leaders, like Peron in Argentina." While it is true that Weber derived his concept of "charisma" from a theological context and source (the German church historian Rudolf Sohm), he explicitly modified it in such a way as to permit its use in any sense, profane or sacred, secular or religious. For example, Weber spoke of Kurt Eisner's charisma, and he called Eisner a demagogue. Weber said that in his value-free sociology Eisner's charisma must be regarded as fundamentally equivalent to that of "the 'greatest' heroes, prophets, saviors." (*Wirtschaft und Gesellschaft*, 2nd ed., 1925, p. 140.) Whatever holds for Eisner ought to hold for Hitler, Mussolini, or Peron as well. In another paragraph Weber points out that "charisma" is compatible with "crude swindle," insisting once more that in his sense it is *not* confined to the religious sphere but must be treated as a "universal" phenomenon (*ibid.*, pp. 753–754). Thus, the authors' criticism of Weber is based on a misreading of Weber.

Similarly unsatisfactory is their treatment of totalitarian doctrines and their historical roots. They first discuss totalitarian ideology with respect to the political *function* it performs in all totalitarian societies. The discussion of "its" history then leads to such propositions as that " . . . totalitarian ideology is rooted in the totality of Western thought and more especially its political thought." Finally, in the discussion of the *content* of the various totalitarian ideologies, the differences between them are summarily represented by that between the ultimate value of "social justice" (communist) and "dominion" (national socialist). But no effort is made to state these differences in detail or to examine the fascist and communist criticism of Western civilization, its values and institutions, and the viability of the Western intellectual and moral positions. The late Anglican Archbishop Temple once remarked that National Socialism is anti-Christian heathenism, whereas Bolshevism is ultimately a Christian heresy. A reasoned confirmation or rejection of this remark in the book under review would have been more useful to the students than statements like the following: "The several totalitarian ideologies are basically trite restatements of certain traditional ideas, arranged in an incoherent way that makes them highly exciting to weak minds."

Despite its halting theoretical and analytical character, the book will be useful as an introductory text to students who want to orient themselves about totalitarian dictatorships on a comparative basis. Especially, Sections IV on propaganda and terror and VI, "Islands of Separateness," dealing with the family, the churches, and other "resisting" institutions and organizations, contain many pertinent illustrations and comments. The book has an excellent bibliography.

HANS SPEIER.

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The New Class: An Analysis of the Communist System. BY MILOVAN DJILAS. (New York: Frederick A. Praeger. 1957. Pp. vii, 214. $3.95.)

The New Class is a scathing indictment of Communism by a life-long Communist who traveled from the lowest to the highest rung of the party's ladder. His charges are not particularly new or original, although many have not received general recognition in the West. What is new and important is that the book comes from a leading Communist, from whom nothing was hidden. Moreover, unlike other defectors from Communism, who might be suspected of unfulfilled ambitions, Djilas had reached the top.

His general theme is that the Communist revolution brings into being a "new class of owners and exploiters" and that the whole Communist system is organized to safeguard the interests of this class. Except for some industrialization, the "Communist revolution cannot attain a single one" of its ideals; "no other revolutions promised so much and accomplished so little." Although property is legally considered as social and national, "in actuality, a single group manages it in its own interest." Power and government "are identical with the use, enjoyment, and disposition of almost all the nation's goods." Even "if they did not so wish, Communists must be both owners and despots." Therefore, no other system has ever "*provoked* such profound and far-reaching discontent. . . . Communist regimes are a form of latent civil war between the government and the people."

The core of the new class is the party, but it also includes others with special privileges. The party becomes "transformed into the traditional oligarchy of the new class, irresistibly drawing into its ranks those who aspire to join the new class and repressing those who have any ideals. . . .The class grows stronger, while the party grows weaker; this is the inescapable fate of every Communist party in power." Djilas's comment on the change in Communists as individuals is interesting: "The world has seen few heroes as ready to sacrifice and suffer as the Communists were on the eve of and during the revolution. It has probably never seen such characterless wretches and stupid defenders of arid formulas as they become after attaining power." They are "willing to renounce everything . . . in order to keep their place in the ruling class. . . . "

The new class is "more highly organized and more highly class-conscious than any class in recorded history." It is "voracious and insatiable, just as the bourgeoisie was. But it does not have the virtues of frugality and economy that the bourgeoisie had." From time to time it may execute reforms, but these are largely a sham. Anyone who has studied a Communist system at first hand will appreciate Djilas's conclusion: "When the new class leaves the historical scene . . . there will be less sorrow over its passing than there was for any other class before it."

The Communist state, says Djilas, cannot become a lawful state, because the "Communists tend to treat the army and the state as their exclusive weapons." Law is what the secret police and party committees choose to make it. "Most political criminals who are punished are innocent from a legal point of view. . . . Modern history has no record of actions against the opposition of the masses which are as brutal, inhuman, and unlawful as those of Communist regimes." Moreover, the stress on ideological unity within the party leads to personal dictatorship and the suppression of all democracy within Communist parties. "Viewed from the standpoint of freedom," therefore, "a military dictatorship in a Communist system would denote great progress," for a "military dictatorship would not be able to encompass all phases of life."

The determination of the new class to maintain absolute domination accounts for dogmatism in the economy. While it constantly harks back to theory, departures from theory are freely engaged in when they are in its interest. But a Communist economy is more than totalitarian—it "is perhaps the most wasteful economy in the history of human society." Moreover, "thefts and misappropriations are inevitable. It is not just poverty that motivates people to steal the national property; but the fact that the property does not seem to belong to anyone." Paradoxically, "the Communist leaders handle national property as their own, but at the same time they waste it as if it were somebody else's."

Djilas waxes eloquent when he talks of tyranny over the mind, yet during most of Tito's reign he was its wielder in Yugoslavia. Other forms of discrimination (racial, caste, national), he asserts, may seem more brutal than ideological discrimination, but they are not so refined or complete. "Tryanny over the mind is the most complete and most brutal type of tyranny; every other tyranny begins and ends with it." It is "tyranny at its worst to compel men not to think as they do, to compel men to express thoughts that are not their own. . . . History will pardon Communists much. . . . But the stifling of every divergent thought, the exclusive monopoly over thinking for the purpose of defending their personal interests, will nail the Communists to a cross of shame in history."

The essence of contemporary Communism, Djilas argues, consists of three basic factors for controlling the people. These are power, ownership, and ideology; power, which is always more or less the end, is the most important. And power "will remain the basic characteristic," for "it is only through power itself that ownership can be exercised. . . . Ideas, philosophical principles and moral considerations, the nation and people . . . can be changed and sacrificed. But not power. . . . Communism has to be totalitarian, exclusive, and isolated precisely because power is the most essential component of Communism."

Djilas is convinced that "national" Communism does not imply a qualitative change in the system, for it "neither desires nor is able to transform itself into something other than Communism, and something always spontaneously draws it toward its source—toward the Soviet Union." No doubt, this "something" is fear of the people. "The expectation that Yugoslav Communism would be able to evolve toward democratic socialism . . . has proved baseless."

Djilas views world unification as a desirable end, but concludes that "the dominance of the new class creates an isolated political and economic system which impedes the unification of the world." In such circumstances, Communist states tend to be imperialistic. "The basic cause of an imperialistic policy is completely hidden in the exploitive and despotic nature of the new class." Although he looks upon today's Communist leaders as "more practical men," he contends that they "spend more time defending themselves from world reality and attacking it than they do in getting accustomed to it."

Djilas apparently continues to accept many, if not most, of Marx's ideas, although he acknowledges that some are the basis for much of what he criticizes in Communist practice. He considers it superfluous to criticize Communism as an idea, since the struggle to achieve "equality and brotherhood" represents a universal aspiration of mankind. Now calling himself a social democrat, he shows no readiness to acknowledge the advantages of capitalist methods of production.

Some of Djilas's assertions are open to challenge. For example, he maintains that most individuals in a Communist system are not opposed to socialism, a highly dubious claim which he does not attempt to substantiate. When he says that the Communist system was imposed by the Soviet Army in all the Eastern European countries except his native Yugoslavia, he is less than honest, for the Soviet Army also contributed significantly to Tito's victory.

The New Class is an important document, although not particularly well written. Perhaps part of the fault is in the translation. This reviewer has been unable to examine a copy of the original, but one expert, who apparently has, insists that the translation is "deplorably poor." This is regrettable, if true, but it is unlikely that the essential message of the book has been altered thereby.

ALEX N. DRAGNICH.

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Poland: East Central Europe under the Communists. EDITED BY OSCAR HALECKI. (New York: Frederick A. Praeger. 1957. Pp. xviii, 601. $10.00.)

Comtemporary Poland: Society, Politics, Economy. EDITED BY ALICJA IWANSKA. (Chicago: The University of Chicago, for the Human Relations Area Files. 1956. Pp. vi, 578.)

Strictly speaking, the two books are not works in political science. But they are certainly the stuff of which political science is made. Both of them provide the student of Polish politics with a vast amount of data on the state of Polish society, its social structure, religious institutions, economy, and historical background. And both devote able chapters to a survey of the contemporary pattern of Polish politics in the immediate pre-Gomulka period.

The volume edited by the distinguished historian, Prof. O. Halecki, and appearing in a series on East-Central Europe sponsored by the Mid-European Studies Center, sets as its task the presentation of "accurate, comprehensive information and analysis" of Communist Poland. It is divided into four sections: one giving a general historical and social outline of the development of Polish society; the second devoted to politics; the third, to culture; and the fourth, to economy. In addition, a useful appendix provides the reader with biographical sketches of some of the leading figures of the Communist regime and a brief outline of events leading up to, and including, "the Polish October" of 1956. It is to be noted, however, that the main weight of the volume is devoted to economic patterns. The section on economy is about twice as long as the sections on culture and history combined, and two and a half times as long as the one on politics. This, by necessity, makes the treatment of economic development and institutions much more thorough and useful to a scholar. In this reviewer's judgment, such choice of emphasis is unfortunate. Without presuming to rule on the old controversy of the pre-eminence of political or economic factors in Communist policy, most observers, it would seem, would be willing to grant that political factors were very significant in shaping the character of the Stalinist period, with which this book is primarily concerned. Yet, unfortunately, the able chapters on politics appear somewhat thin when compared to the fuller and more functional treatment of the economic system. The reader of the political section would search in vain for a full discussion of the organization of the top party leadership, of some of the important party plenums, not to mention the congresses. In addition, questions of ideology are completely neglected, and the 1948–49 issues are sketched briefly in one or two pages. A reader wishing to have a better understanding of the Gomulka regime might have benefited a great deal from a fuller treatment of that important turning point in Polish Communist history and politics.

The volume edited by Dr. Iwanska, a sociologist by discipline, follows a similar organizational pattern. A broad historical and social survey opens the volume and is followed by sections containing chapters on aspects of "Culture and Society," "Social Institutions," "Political Institutions," and "Economic Institutions." A reader of this volume would learn no more about Polish economy than a reader of the Halecki study, or, possibly, not as much. He would, however, find a more thorough treatment of the political institutions. The discussion of the organization of power in contemporary Communist Poland is especially useful. Unfortunately, as in the former volume, ideological considerations are largely neglected and a short and sketchy chapter on "Marxism-Leninism in Poland" does not fill the void. On the other hand, this reviewer feels that the sections on culture and social institutions are particularly valuable to the political scientist who wishes not only to *know* but to *understand* the pattern of Polish political life. The critical analysis of Polish values, education, tradition, and behavior patterns lays a solid basis for an appreciation of the more distinctive qualities of what we might loosely call the *Polish political style.* Considerations of this type go a long way in pointing out why certain things have happened and do happen in Polish politics and are not likely to happen in some neighbouring states. The treatment of these issues, while certainly not setting up a direct cause and effect relationship, outlines the character of the social framework that inevitably affects even the Communist patterns and processes of power.

The two volumes together, as well as their valuable bibliographies, will certainly be extremely helpful to the growing number of scholars interested in the Polish system and even in "the Polish way to socialism."

Z. BRZEZINSKI.

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Leninism. BY ALFRED G. MEYER. (Cambridge, Mass.: Harvard University Press. 1957. Pp. 324. $5.50.)

Of the four evangelists of Communism Lenin presents the greatest enigma, seeing that it fell to him to translate into action a body of ideas of which he was an ardent exponent, but under conditions that inevitably led him to compromise with them. There are those who contend that he had no thought for anything but power, and that he used the ideas he had learned from Marx solely as an instrument to achieve it, cynically discarding them whenever circumstances required it. Dr. Meyer does not indulge in such simplifications. His book is well-balanced and objective, and is a valuable contribution to its difficult subject.

Marx assigned to the proletariat the mission of regenerating society by destroying the capitalist system. But what made him suppose that it would do this? Dr. Meyer attaches particular importance to the concept of "alienation," which Existentialism has once again brought into fashion. Yet, nowhere does Marx explain by what dialectical *tour de force* the dehumanized workers will develop such rationality as will transform them into the lords of creation. He has his own explanation of why they must act as he wants them to do, and it is one that is psychologically sound. For the best way to goad men into rebellion is to convince them that they are being defrauded by those in authority over them, and in his *Capital* Marx succeeded in this upon a scale never approached before. With his technical arguments few have ever been familiar. But the thesis they support has commanded the assent of millions. Marx conclusively demonstrated (always of course assuming that his premises are accepted) that the capitalist system is fraudulent, and that its existence depends on the power of the capitalists to withhold a proportion of the value created by the workers, and one likely to increase continually. It could only be a matter of time before the latter would realize the imposture that was being practised on them, and they would then smash the whole system and themselves take over production. This growing awareness, which education in socialist principles and experience in organizing themselves would encourage, was what he meant by "the development of class consciousness," and he looked to it to bring about the revolution.

Marx held therefore that the nature of the capitalist system made it historically inevitable that the workers would eventually decide to destroy it, so that his doctrine contains both a determinist and a voluntarist element, the two being thus united. Yet not only did he underestimate the strength of capitalism, but he failed to perceive that in proportion as the proletariat gained in power through extensions of the suffrage and the development of trade unions, it would become less rather than more revolutionary. Despite the Law of Increasing Misery, the lot of the workers improved; and for all that they might say to the contrary at party congresses, their leaders abandoned the destruction of the bourgeois state—the "political shell of capitalism" as Lenin was to call it—for reforms obtained within its framework. Yet such "reformism" offered no solution, for if the capitalist system was as Marx had represented it, no concessions affected its fundamentally vicious nature.

This was Lenin's position, as it must be of any thoroughgoing Marxist, and it underlay his conception of the party, which is generally held to be a major departure from Marxism. It is in his *What is to be done?* that he makes it clear, and it is significant that this was written so soon after he had translated the Webbs' history of the British trade union movement. In theory, the force behind the revolution continued to be the proletariat, but in practice it became a "narrow" party of professional revolutionaries wholly committed to Marxist principles. For, left to themselves, the workers would never advance beyond "trade union consciousness," which was "enslavement to the bourgeoisie" as it stopped short of a revolution that would abolish capitalism. Only the chosen few who understand the "objective laws" which govern history can make such a revolution and, as a corollary, take charge when it has been made.

Thus the function of the vanguard party was to organize the revolution in accordance with "the most advanced revolutionary theory." But to do this it had to study what Dr. Meyer calls "the arithmetic of specific situations and the specific actions to be taken in them." Yet this was bound to lead to the adoption of policies, dictated by the exigencies of the moment, that flagrantly contradicted the "advanced theory." It was here that the dialectic—"the algebra of revolution"—came to Lenin's rescue, enabling him to reconcile irreconcilables by means of the convenient formula of "the unity of opposites." He may not have been guilty of deliberate dishonesty in applying it. Yet it is a mode of reasoning that has lent itself only too readily to this, seeing that once the Law of Contradiction is denied, we have no firm ground on which to base our judgments, so that phenomena dislimn and war is peace and slavery freedom and anything becomes whatever we choose to call it.

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The United States in Germany, 1944–1955. By HAROLD ZINK. (Princeton: D. Van Nostrand. 1957. Pp. ix, 374. $7.50.)

The Occupation of Enemy Territory: A Commentary on the Law and Practice of Belligerent Occupation. By GERHARD VON GLAHN. (Minneapolis: University of Minnesota Press. 1957. Pp. xiii, 350. $6.50.)

Those concerned during World War II with planning or studying for military government and civil affairs well remember the appalling lack of adequate published information on these questions. Fortunately an impressive amount of material has since been produced on our World War II experience with the occupation of enemy territory, to which these two volumes are major contributions. *The United States in Germany, 1944–1955*, by Harold Zink, constitutes a valuable addition to the literature on the American occupation of Germany. This recent account has the distinct advantage of completeness and post-experience detachment. *The Occupation of Enemy Territory*, by Gerhard von Glahn, while a general study of the question, concentrates heavily on World War II, especially on practice with respect to Germany. Consequently, the two volumes complement each other.

Both Harold Zink and Gerhard von Glahn are political scientists who approach their writing with substantial personal experience in their fields. Both worked on the initial post-hostilities plans for Germany and served through the early stages of the launching of the American program there. As a consultant to the Department of State some years later, Professor Zink participated in establishing the Historical Division of the Office of the U. S. High Commissioner for Germany, which he also headed, 1950–1951. Intermittently from 1945 to 1955 he returned to Germany in various other capacities. Von Glahn continued his research in this country with the aid of grants from the University of Minnesota. Both approach their subjects with a happy combination of intellectual interest, academic detachment, and practical experience.

The United States in Germany, admittedly neither "a definitive analysis" nor a technical survey of the occupation, presents an overall account for the general reader. It is rather inclusive in scope, analyzing our experiences with planning, policy, personalities, and programs. It describes, in a scholarly and critical but nevertheless broad and readable fashion, the development of our policy, our occupation machinery, relations with the other occupants, and the substantive fields of occupational operation, such as war crimes trials and denazification, education and religious affairs, economic reconstruction, and public safety. Certain elements of the subject have been dealt with in considerable detail in numerous other monographs and scholarly articles, especially the war crimes trials. However, Professor Zink's account includes aspects that have not previously attracted adequate attention: for example, the mass of American personnel involved in the occupation, the exchanges program, food and agriculture problems, treatment of youth, women's activities, and religious affairs.

As the author looks back upon the American experience in Germany, he concludes that it was generally successful—"it surpassed any previous occupation in effectiveness and achievements" (p. 361). In evaluating its duration, he finds it reasonably satisfactory (pp. 354–355): Roosevelt's initial expectation of two years was much too short and the proposals of those who sought to re-educate and democratize the Germans in some twenty-five to fifty years, or who wished to establish a vengeful fragmentation or perpetual occupation of the country, were entirely unrealistic. Assessing the "labyrinthine character" of our program, he concludes that in some instances we took on too much, especially in the excessive denazification program, the Americanization of the

German educational system, and the dismantling, decartelization, and deconcentration of industry programs. It is interesting to note that, except for demobilization and demilitarization, his list covers virtually the entire negative or destructive program of the United States in defeated Germany. He turns most critical, however, when he deals with some of the personalities concerned and with various military aspects of the occupation, such as the weaknesses flowing from the inflexible military structure of which it was a part and particularly the personnel recruitment practices, which often relegated to occupation duty those whom he deems the "misfits" and "rejects."

Inasmuch as *The United States in Germany* recounts an important practical experience, it avoids the basic legal question of the rights and obligations of this country in occupied Germany. A thoughful account of this phase of the subject is to be found in M. E. Bathurst and J. L. Simpson, *Germany and the North Atlantic Community: A Legal Survey* (1956). It examines from a strictly legal point of view the development of Western Germany from the commencement of military occupation in 1944 to the termination of Allied control and the emergence of the Federal Republic of Germany as a member of the North Atlantic Community, emphasizing the legal status and relations of the Western Allies as belligerent occupants, as non-belligerent military occupants, as civil occupants, and eventually as co-equal allies.

More generic is *The Occupation of Enemy Territory*, by von Glahn. Its basic purposes are "to examine the rules and regulations pertaining to the military occupation of enemy territory prior to the conclusion of peace," "to arrive at a comprehensive synthesis of the generally accepted principles and practices of military occupation, to outline the weaknesses of the existing body of rules, and to examine proposals designed to bring into existence a more effective system of law governing the administration of occupied enemy territory," as well as "to indicate the extent to which the rules governing belligerent occupation suffer from omissions, contradictions, and half-truths and thus to show how much work remains to be done before a coherent and complete body of principles confronts belligerents of the future" (pp. 5, 291).

In a scholarly and detailed fashion, with considerable documentary substantiation and useful supporting appendices, von Glahn presents, analyzes, and assesses the major aspects of the problem. He discusses the essence of pertinent legal principles and their application to such factors as the treatment by the occupants of the native inhabitants and neutral citizens, law and the courts, local public officials, taxes and debts, contributions and requisitions, public and private property, currency and business, communications and transportation facilities. He also examines the doctrine of military necessity, the violations of the laws of war and their punishment, and the end and aftermath of belligerent occupation.

The author seems to approach his subject with a certain amount of optimism. Although he evidences awareness of the weaknesses in the rules and their application and suggests some half dozen selected areas in which reform is essential or desirable (p. 291), he is generally undaunted. In general his solution perhaps somewhat unrealistically involves the great powers' joining the lesser powers ("the first and chief sufferers from agression and occupation") in creating "a body of rules capable of withstanding the stresses and strains of conflict," from which all would benefit.

No doubt partly because of his experience and the availability of materials, von Glahn concentrates especially on the German occupation of other countries and the Allied occupation of Germany. He even devotes his final chapter to the legal status of defeated Germany.

To the student of our occupation experience during World War II it seems regrettable that not nearly so many able scholars have written so profusely and stimulatingly respecting other territories occupied by the United States, especially Japan, Austria, Italy, Trieste, and the like. This should be a challenge to both the political scientist and the historian. It can only be hoped that additional publicists will continue the study, or perhaps, as Professor Zink suggests, that this responsibility will be assumed by official historical agencies or semi-official organizations or research foundations.

ELMER PLISCHKE.

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German Rule in Russia, 1941–1945: A Study of Occupation Policies. BY ALEXANDER DALLIN. (London: Macmillan and Company; New York: St. Martin's Press. 1957. Pp. xx, 682. 50s.)

The myth of a monolithic unity and singleness of purpose of totalitarian governments has been a persistent one among political scientists. Whether they explained this unity as the result of centralizing bureaucratic organization and *Gleichschaltung* or as the result of the merciless logic of an ideology or mystique imposed on society, scholars in the Western world have looked at the alleged totalitarian monolith with horror, with awe, and perhaps with a bit of envy. The study under review conclusively shows the Nazi monolith, for one, to have been, instead, a honeycomb of political groupings incapable of making or executing political decisions, a government in which crude bits of ideology clashed with pragmatic Machiavellian considerations and prevented the formulation of policies. Government in the Third Reich, or at least government of the territories conquered from the USSR, is revealed to have been chaotic, anarchic, and a complete failure. And, curiously, the role Hitler himself played in the decision-making process acquires an aura of unreality, futility, or at least haphazardness.

Mr. Dallin in this impressive work gives an exhaustive account of the German occupation of Soviet territories, from the earliest plans discussed months before the invasion of June 1941 to the futile convulsions in the days of utter collapse. On a broad canvas he paints a sweeping panorama in which all details are painstakingly filled in—the formal and informal organization, the personalities, the long- and short-range aims with which the countless agencies set about to utilize the conquered territories, and the changes in policy that were imposed by the interplay of these and other factors.

Leaving aside any discussion of mistakes made by German military strategy, Mr. Dallin shows that the military miscalculation concerning the time and effort it would take to subdue the Soviet Union had dire consequences in planning for the occupation of the conquered territories. It led to complacency and fortified the utter disregard Nazi policy makers had for the people under their rule. He outlines the splendid opportunities Germany had to win the population to its side and shows how ignorance, lack of planning, German contempt for the "subhuman" Slavs, and organized brutality quickly spoiled these initial opportunities. Thousands of Soviet prisoners of war were shot; hundreds of thousands were deliberately starved to death. The civilian population was subjected to the most unspeakable cruelties at the hands of soldiers, SS, police, and civilian administrators. Hopes for self-government even on the most modest scale were dashed. The peasants' yearning for the abolition of collective farms was disappointed. Offers by Soviet prisoners to fight against Bolshevism side by side with the Germans were rebuffed until it was far too late.

While most Germans in responsible positions showed little concern for the welfare of the conquered peoples, their plans and aspirations concerning these new "colonies" showed infinite variations, and the clash of policies, ambitions, and personalities led to a bureaucratic jungle warfare of unbelievable bitterness. The contempt different Nazi leaders felt for each other, the ruthlessness with which they fought for personal aims, the ineptness of their administration, and the cavalier fashion in which their disputes sometimes were resolved—these and other aspects of government in the Third Reich must be studied to be believed.

Gradually, as the shadow of defeat descended on Hitler's Germany, the voices calling for a reappraisal of occupation policies so as to appease and befriend the population grew more daring, and their spokesmen won more and more skirmishes in the bureaucratic warfare. In all fields of policy, Mr. Dallin carefully traces step by step the clash of proposals and the gradual, belated shifts in policy.

The book makes exhaustive use of German documentary material, published and unpublished; of Soviet sources; of oral and written interviews with German officials and former Soviet citizens. It is doubtful whether any available material has been left unexamined by the author. The result is a work that will doubtless remain the definitive study on the subject. It could be supplemented only by publications based on hitherto inaccessible Soviet material.

The work is of interest to students of Soviet society and of immediate concern to all military and political leaders interested in the problems of occupying conquered territories. One of the lessons such leaders will learn from it is that the crucial moment deciding whether an occupation will be successful or not is the moment when the troops enter; and that for this reason any military or civilian occupation must be preceded by careful and deliberate planning. But the work is important to the political scientist primarily as one of the first thorough studies of the governmental process in National Socialist Germany. For this reason it is required reading for all students of totalitarian government.

ALFRED G. MEYER.

Michigan State University.

Southeast Asia among the World Powers. By Amry Vandenbosh and Richard A. Butwell. (Lexington: University of Kentucky Press. 1957. Pp. vi, 336. $6.00.)

The authors of this book have succeeded in their objective of providing a "brief, yet comprehensive picture" of Southeast Asia. After an introductory chapter, which gives a general survey of the area, individual chapters are devoted to the six major countries: Indonesia, the Philippines, Indochina, Thailand, Malaya, and Burma. A chapter on the international relations of the area and one on American policy round out the book.

It is appropriate that a major portion of this book should be devoted to domestic developments in these countries, for, as the authors point out, nationalism continues to be the dominant force in all of them. These chapters are necessarily brief and the quality is not uniform. To this reviewer, those on Indonesia and the Philippines seemed most satisfactory; that on Burma, the least. It is doubtful, for example, whether Nu, whatever his faults, is as naive as is implied. All of the chapters stress recent political events and deal only very briefly with economic and other problems.

These countries have achieved independence in a period when their national development is acutely affected by international politics, in particular the stresses of the cold war. In the view of the authors, they now constitute a "power vacuum" faced with the danger of outside interference. Under the circumstances, the regional approach to the problem of security is attractive, and the authors imply its desirability. However, they point out that independence has driven the countries further apart rather than produced closer political cooperation. Their reaction to American-Soviet rivalry, for example, has ranged from alliance with the West (the Philippines, Malaya, and Thailand—at least to date) to Viet Minh adherence to the Communist bloc, with Indonesia and Burma seeking to steer a neutral course.

The economic problems of Southeast Asia further complicate the regional approach. Certain needs are common to all these countries and they share a common aspiration for modernization and improved levels of living. The fulfillment of these needs and aspirations, however, forces them to look beyond the borders of the region. The desire for economic development, security requirements, and concern for sovereignty all cast doubt on the feasibility of a meaningful regionalism for the area.

While the ultimate goal of the Soviet Union presumably is to establish Communist regimes in these countries, the authors quite properly see its immediate aim as neutralization of the area. Certainly the policy of Moscow toward Asian Communist parties, including the Indian, indicates that the Soviet leaders frequently have been willing to sacrifice the interests of local Communists to their own objective of checkmating American policies.

No speculation is hazarded about the relationship of Soviet and Chinese Communist policies in the area. The mixture of admiration and fear that has characterized the reaction of Southeast Asia to Communist China is described, and there is the implication that the threat of Chinese expansionism is not sufficiently realized.

The final chapter contains an excellent statement of the obstacles that

United States policy faces in Southeast Asia. The Southeast Asian Treaty Organization, aptly termed "for the region, but not of it," has proven to be a weak reed, even weaker than the authors indicate; certainly the parallel with the Baghdad Pact does not seem a happy one at the present time. It is refreshing to see a warning against over-dependence on economic aid, important as that is. To date, we have paid far too little attention to the implications of "economic development," to use the currently hallowed term. The great value of this book is to re-emphasize the complexity and urgency of the problems posed for the United States in its attempt to help these countries achieve a stable and democratic society.

WILLARD H. ELSBREE.

Ohio University.

The Democratic Roosevelt: A Biography of Franklin D. Roosevelt. BY REXFORD G. TUGWELL. (Garden City, N.J.: Doubleday and Company. 1957. Pp. 712. $8.50.)

A well known economist and social scientist and a former brain truster has presented in this volume a sympathetic analysis of the late Franklin D. Roosevelt. He tries to explain the development of FDR's leadership qualities and the apparent inconsistencies of his official actions and policies. The book is splendidly written and is the best account of FDR that the reviewer has seen. Tugwell is a shrewd political analyst as well as an outstanding economist and this book is a fine example of what can happen when the social sciences are well blended.

In general, the presentation is scholarly and objective, but one could hardly expect so controversial a figure as Rex Tugwell to view all the characters of the dramatic period with the same aloofness and detachment. He shows his preference for men like Henry Wallace and Harry Hopkins and he shows his distrust of the Brandeis school—Frankfurter's hot dogs—and he shows no fondness for Jesse Jones, whom he accuses of disloyalty to FDR, and for Harold Ickes, whom he regarded as a "whiner."

The author conceives of FDR as a puzzle that history may never be able to solve. He contends that FDR confided in no one and that his real thoughts are a mystery in spite of the elaborate records that he left behind. Neither his mother, nor his wife, nor his close friends penetrated the outward mask of the smiling confident face that he presented to the outside world. The meaning of the thousands of typewritten chits on White House stationery with no signature attached may never be discovered, although these chits affected the destiny of the United States for twelve years.

How does he explain how so keen an observer as Walter Lippmann so completely missed the real character of FDR in the spring of 1932? This is the question to which Tugwell addresses himself in the early chapters. Fundamentally, he contends that FDR was a slow developer and that he was not really seasoned until 1932. Roosevelt's actions in 1932 led Lippmann to believe that Franklin, as Tugwell calls him, lacked qualities of leadership. What Lippmann failed to see and what the journalist Ernest K. Lindley saw so well in his first biography of Roosevelt was that Franklin was pointing chiefly toward the presidency and was not in a position to reveal the full scope of his leadership until the difficult hurdle of the 1932 nomination had been passed. Lippmann should have known better. A man cannot be president in the United States unless he is nominated for the office by a major party. In the Democratic convention of 1932 Roosevelt's margin was slim indeed.

Tugwell contends that the important influences in FDR's character development were his mother, his religion, his schooling at Groton and Harvard, his wife, his dramatic entrance into politics in 1912, his contacts with the Wilson administration, his sickness, and his friends, such as Louis Howe and Harry Hopkins. Far from being a mama's boy, Franklin declared his independence of his mother and at an early age learned to deceive that domineering lady of the old school by artful dissimulation. He learned how to thwart her wishes without offending her, a real lesson in diplomacy. Roosevelt's religious convictions Tugwell traces to Franklin's Groton days, where religion as taught by Dr. Peabody helped the boy solve some of the difficult problems of adolescence and social adjustment. As would be expected, Tugwell gives due credit to Eleanor Roosevelt. He maintains that there was a vast difference between the green young state senator of 1911 and the seasoned political leader of 1933. Experience, successful and unsuccessful, trials and tribulations, triumphs and disasters, made the difference.

In 1933, FDR had arrived at the goal that seems to have been on his mind for at least twenty-two years. Tugwell tries to explain the inconsistencies of the Roosevelt administrations, the reversals of policies, and the apparent lack of a central guiding philosophy. He contends that there was a fundamental principle underlying the administrations. It was the means that were changed, not the ends. FDR's basic desire to improve the lot of the common man did not waver.

As expected, Tugwell is sympathetic toward the Keynes school of economics. He and Keynes were thinking along parallel lines and when Keynes came to the United States, Tugwell took him in charge. Keynes was disappointed in FDR's lack of knowledge of economics. So was Tugwell from time to time, but Tugwell had faith that FDR in the end would come back to sound economic policies since his ends would not be achieved otherwise. Of course, economists do not agree as to what principles of economics are sound. We have already noted that Tugwell differed from the Brandeis view of economics. He also differed from the Viner school. Tugwell is a welfare economist and upholds the deficit spending (pump priming) theory when times are bad. He does not subscribe to the theory of the orthodox economist who said that the cure for the depression was bigger and better bankruptcies.

Of all the books on FDR this is the most illuminating that the reviewer has read. He hails the much maligned Tugwell for a book that was written without rancor and with great human understanding.

Harold F. Gosnell.

American University.

BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

Les rapports collectifs du travail aux États-Unis. By Xavier Blanc-Jouvan. (Paris: Librairie Dalloz. 1957. Pp. iii, 553. 2.000 fr.)

This volume is a very competent analysis of labor relations as molded by the federal labor laws. The first thirty-two pages are devoted to a summary of the historic background, the influence of the political and social climate, and the difficulty faced by labor as a result of the limitations imposed upon it by the Supreme Court's interpretation of the rights of property to protection under the Fifth and Fourteenth Amendments of the Federal constitution. The author describes the changes in the social and political climate during the first Roosevelt Administration, the enactment and the validation of the Wagner Act, the issues it generated, and the enactment of the Labor Management Act. The remainder of the volume is given over to a detailed examination of the nature and administration of this law and its effect upon collective bargaining and union activity.

The author has drawn upon the decisions of the National Labor Relations Board and examines the effect the decisions have upon the achievement of the objectives of the law, as well as upon collective bargaining and the functioning of unions. The author has performed a first-rate job, and one can only admire the industry and devotion of a scholar from another land who is willing to examine not only the main stream but the small rivulets in which a less knowledgeable traveler might lose his way. He has drawn a fair and complete picture of American labor relations under the federal law, one that shows a mastery of an important and complex institution of another country.—Philip Taft, *Brown University.*

Henry Clay and the Art of American Politics. By Clement Easton. Edited by Oscar Handlin. (Boston and Toronto: Little, Brown and Company. 1957. Pp. 209. $3.50.)

This is a good survey of Clay's life and of his political attitudes, program, and career. It is not an intensive analysis of any of these. For that reason the book will be useful primarily for that unknown figure, "the general reader." Though the author presents sound generalizations to explain both Clay's successes and failures, he does not provide, as the title might seem to promise, a close picture of Clay as an operating politician. It is perhaps not legitimate to criticize an individual author for not writing what he never intended to write, but it does seem worthwhile to raise a question about the general tendency that this volume in this series reflects: how profitable is it for scholars to devote time, energy, and skill to the production of works that consolidate but do not advance knowledge or understanding in their respective fields?

The Price of Power: America since 1945. By Herbert Agar. (Chicago: University of Chicago Press. 1957. Pp. xi, 200. $3.50.)

In the brief space of two hundred pages the author offers an interpretative account of America and its position in the world since 1945. "Can we ever again," he asks, "distinguish parish politics and the affairs of mankind?" It is to Herbert Agar's credit that he has never done so, and this is evident in the skill with which he handles his subject. This account does not pretend to be comprehensive, and the placing of emphasis forms part of the interpretation. Inevitably, this is questionable at some points: for example, the American initiative in urging, or compelling, European acceptance of German rearmament is not mentioned, nor is American policy towards Israel discussed. But this does not detract from the high quality of the work generally; it is never superficial, the style is pungent and stimulating, and the whole is imbued with a sense of justice and human dignity.

The Negro in the United States: A Brief History. By Rayford W. Logan. (Princeton, N. J.: D. Van Nostrand Company. 1957. Pp. 191. $1.25.)

A short, many-windowed account of the Negro's rise from slavery. In the historical narrative (the first 104 pages) are details of Negro accomplishment in education, economics, the arts, and sports, as well as a presentation of the Negro's political and legal battles for an ever-increasing measure of social, legal, and political equality. The second section of the book is given over to documents (Executive orders, Court cases and statutes) reflective of those legal and political battles.

Introduction to Political Science. By Carlton Clymer Rodee, Totton James Anderson, and Carl Quimby Christol. (New York, Toronto, London: McGraw-Hill Book Company. 1957. Pp. xiii, 655. $6.00.)

This new text includes aspects of political theory, American government, comparative government, public policy, and international politics. The organization of the book recommends it. The authors move from theory to the government and politics of various nations, including the United States, Great Britain, and the Soviet Union, and then on to parties, public opinion, public policy, and international politics. The scope of the book is, of course, extremely broad. The authors manage to put much into small space without loss of accuracy. They are, however, occasionally reduced by shortage of space to retailing the most trivial of generalities. Some readers will undoubtedly think the wiser course is to cover less but to cover it more fully. This reader would, for example, be willing to sacrifice the very sketchy section on policy in return for fuller treatment of administration and administrative problems. Nevertheless, this is a substantial text for use in courses offering a general introduction to political science.

American Government. By James L. McCamy. (New York: Harper and Brothers. 1957. Pp. vii, 866. $6.50.)

A new standard text on the American national government. It is carefully done and presented in an attractive format. The author emphasizes public policy, and pays more than the usual amount of attention to the social and economic background of public policy and governmental organization. The publishers suggest use on the freshman-sophomore level.

Checklist of hearings before Congressional Committees through the Sixty-Seventh Congress. Part VI–VII. By Harold O. Thomen. (Washington, D.C.: Library of Congress. 1957. 2 vols.)

The sixth and seventh parts cover the hearings for the House Committee on Military Affairs through the House Committee on Woman Suffrage, and complete the record for the House Committees. For the first time, there is thus available as full a record as possible of the House Committee hearings up to the time that they were made generally available to libraries and others through the Superintendent of Documents.—J.B.C.

SELECTED ARTICLES AND DOCUMENTS ON
AMERICAN GOVERNMENT AND POLITICS

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ARTICLES AND BOOKLETS

National Government

Authority of the Secretary of State to Deny Passports. *University of Pennsylvania Law Review.* January, 1958.

Bartholomew, Paul C., and Roy Aaron. Congressional Reapportionment by the Method of Equal Proportions. *Social Studies.* February, 1958.

Congress and the Job Ahead. [Symposium.] *Congressional Digest.* February, 1958.

Harris, John S. Allegiance Without Citizenship—The American Nationals. *Parliamentary Affairs.* Winter, 1957–58.

Maxwell, Neal A. The Conference of Western Senators. *Western Political Quarterly.* December, 1957.

O'Brien, William, S. J. Justice Cushing's Undelivered Speech on the Federal Constitution. *William and Mary Quarterly.* January, 1958.

The Question of Adequate Legal Provision for Presidential Disability. [Symposium.] *Congressional Digest.* January, 1958.

Riker, William H., and Ronald Schaps. Disharmony in Federal Government. *Behavioral Science.* October, 1957.

Ulmer, S. Sidney. Charles Pinckney: Father of the Constitution? *South Carolina Law Quarterly.* Winter, 1958.

Wright, Benjamin Fletcher. Consensus and Continuity—1776–1787. *Boston University Law Review.* Winter, 1958.

State Government

Baker, Gordon E. One Vote, One Value [in Legislative Apportionment]. *National Municipal Review.* January, 1958.

Beth, Loren P. Some Comments on Direct Legislation. *Social Science.* January, 1958.

Bryan, Mary Given. Trends of Organization in State Archives. *American Archivist.* January, 1958.

Ecker-Raez, L. Laszlo. State Taxes after the 1956–1957 Legislative Sessions. *National Tax Journal.* December, 1957.

Gove, Samuel K. Reform under Pressure [in Illinois]. *National Municipal Review.* February, 1958.

Hein, Clarence J. State Supervision of County and City Expenditures in Kansas. Governmental Research Center, University of Kansas. 1957.

Heller, Walter W., and Clara Penniman. A Survey and Evaluation of State Income Tax Withholding. *National Tax Journal.* December, 1957.

Lincoln, L. H. California's Legislative Internship Program. *State Government.* January, 1958.

McGee, Vernon A. The Vitality of State Legislatures. *State Government.* January, 1958.

McPheron, Edwin B., and George C. Roberts. Apportionment and Reapportionment in Indiana. Bureau of Government Research, Indiana University. 1957.

———, and Y. Richard Tsukamoto. Indiana's Billion Dollar Biennium—An Analysis of the State General Fund Reserve Policy in Relation to Income and Outgo. Bureau of Government Research, Indiana University. 1957.

Pealy, Robert H., ed. The Voter and the Michigan Constitution in 1958. Bureau of Government, Institute of Public Administration, University of Michigan. 1958.

Sly, John F. Deep in the Heart of Taxes: Property Taxes in the State of Washington. Supplement to Pocket Report Series. Washington State Research Council. 1958.

Summary of Studies of the Florida Citizens Tax Council, 1956–1957. Bureau of Governmental Research and Service, Florida State University. 1958.

Thornton, H. V., Corbitt Rushing, and John Wood. Problems in Oklahoma State Government. Bureau of Government Research, University of Oklahoma. 1957.

Trends in State Government—1958. *State Government.* March, 1958.

Local Government

Administration and Enforcement of the Philadelphia Housing Code. *University of Pennsylvania Law Review.* January, 1958.

Bromage, Arthur W. Role of the Councilman in a Council-Manager City. *Public Management.* January, 1958.

Chase, Stuart. Building Code Needed. *National Municipal Review.* February, 1958.

City Management—A Growing Profession. Report of Committee on Professional Training. International City Managers' Association, Chicago. 1957.

Collins, LeRoy. Cold War Casualties. *National Municipal Review.* January, 1958.

Etter, Orval. Municipal Tax Differentials. *Oregon Law Review.* December, 1957.

Farris, Charles D. Dixie City Talks: Is Zoning an Issue? Bureau of Public Administration, University of Alabama. 1957.

Fortenberry, Charles N. Municipal Government in Mississippi. *Mississippi Law Journal.* December, 1957.

Johnson, Ernest H. The Merits of Full Value Assessments. *Appraisal Journal.* January, 1958.

Mandelker, Daniel R. Standards for Municipal Incorporation on the Urban Fringe. *Texas Law Review.* February, 1958.

Recent Council-Manager Developments and Directory of Council-Manager Cities. International City Managers' Association. Chicago, 1958.

Renne, Roland R. Montana Pace Setter [County Manager]. *National Municipal Review.* March, 1958.

Ross, Tom T. Municipal Taxation in Mississippi. *Mississippi Law Journal.* December, 1957.

Rowlands, David D. Labor Relations in the City Government. *Public Management.* February, 1958.

Schermbeck, C. E. Urban Renewal for Texas. Institute of Public Affairs, University of Texas. 1957.

Smith, Lincoln. Town Manager Government—A Case Study. *Social Science.* January, 1958.

Stone, Kathryn H. A Citizen Views the City Manager. *Public Management.* January, 1958.

Intergovernmental Relations

Bird, Frederick L. Who Pays the Piper? *National Municipal Review.* January, 1958.

Chute, Charlton F. The Honolulu Metroplitan Area: A Challenge to Traditional Thinking. *Public Administration Review.* Winter, 1958.

Monypenny, Phillip. The Impact of Federal Grants in Illinois. Institute of Government and Public Affairs, University of Illinois. 1958.

Constitutional Law and Civil Liberties

Bartholomew, Paul C. The Supreme Court of the United States, 1956–1957. *Social Science.* January, 1958.

Bioff, Allan L. Watkins v. United States as a Limitation on Power of Congressional Investigating Committees. *Michigan Law Review.* December, 1957.

Carrington, Paul. The Supreme Court: The Problem of Minority Decisions. *American Bar Association Journal.* February, 1958.

Entertainment: Public Pressures and the Law—Official and Unofficial Control of the Content and Distribution of Motion Pictures and Magazines. *Harvard Law Review.* December, 1957.

Fordham, Jefferson B. The Legal Profession and American Constitutionalism. Association of the Bar of the City of New York. 1957.

Franchino, Roy P. The Constitutionality of Home Rule and National Representation for the District of Columbia. Part I. *Georgetown Law Journal.* Winter, 1957–58.

Frisch, Morton J. John Marshall's Philosophy of Constitutional Republicanism. *Review of Politics.* January, 1958.

Mr. Justice Frankfurter [Symposium]. *Yale Law Journal.* December, 1957.

Nadelmann, Kurt H. Full Faith and Credit to Judgments and Public Acts. *Michigan Law Review.* November, 1957.

Ober, Frank B. Communism and the Court: An Examination of Recent Developments. *American Bar Association Journal.* January, 1958.

Paul, James C. N., and Murray L. Schwartz. Obscenity in the Mails: A Comment on Some Problems of Federal Censorship. *University of Pennsylvania Law Review.* December, 1957.

Policy-Making in a Democracy: The Role of the United States Supreme Court. [Symposium.] *Journal of Public Law.* Fall, 1957.

Pritchett, C. Herman. The Political Offender and the Warren Court. *Boston University Law Review.* Winter, 1958.

Rehnquist, William H. The Bar Admission Cases: A Strange Judicial Aberration. *American Bar Association Journal.* March, 1958.

Rodes, Robert E., Jr. Due Process and Social Legislation in the Supreme Court—A Post Mortem. *Notre Dame Lawyer.* December, 1957.

Rogge, O. John. "Congress Shall Make No Law . . . " *Michigan Law Review.* January, 1958.

Sullivan, John P., and David N. Webster. Some Constitutional and Practical Problems of the Subversive Activities Control Act. *Georgetown Law Journal.* Winter, 1957–58.

Westin, Alan F. Stephen J. Field and the Headnote to O'Neil v. Vermont: A Snapshot of the Fuller Court at Work. *Yale Law Journal.* January, 1958.

Judicial Administration and Law Enforcement

Allen, James Jay. The Effect of Acts and Decrees of Non-Recognized Governments upon Private Litigants. *Georgetown Law Journal.* Winter, 1957–58.

Blume, William Wirt. Civil Procedure on the American Frontier. *Michigan Law Review.* December, 1957.

Cardozo, Michael H. The Reach of the Legislature and the Grasp of Jurisdiction. *Cornell Law Quarterly.* Winter, 1958.

Condemnation. [Symposium.] *Iowa Law Review.* Winter, 1958.

Elliott, Robert H., Jr., and Richard I. Singer. Use of Troops to Enforce Federal Laws. *Michigan Law Review.* December, 1957.

Hall, Jerome. Ignorance and Mistake in Criminal Law. *Indiana Law Journal.* Fall, 1957.

Kaufman, Irving R. Criminal Discovery and Inspection of Defendant's Own Statements in the Federal Courts. *Columbia Law Review.* December, 1957.

McCleery, Richard H. Policy Change in Prison Management. Governmental Research Bureau, Michigan State University. 1957.

Multiparty Litigation in the Federal Courts. *Harvard Law Review.* March, 1958.

Nunberg, Henry. Problems in the Structure of the Juvenile Court. *Journal of Criminal Law, Criminology and Police Science.* January-February, 1958.

Problems of Parallel State and Federal Remedies. *Harvard Law Review.* January, 1958.

Ruud, Millard H. "No Law Shall Embrace More Than One Subject." *Minnesota Law Review.* January, 1958.

Sobeloff, Simon E. Jurisdiction of State Courts over Non-Residents in Our Federal System. *Cornell Law Quarterly.* Winter, 1958.

Sumner, Frederick I. The Jencks Decision Codified. *Syracuse Law Review.* Fall, 1957.

Wada, George, and James C. Davies. Riots and Rioters. *Western Political Quarterly.* December, 1957.

Witnesses and Testimony at Trials and Hearings. [Symposium.] *Journal of Social Issues.* Vol. XIII, No. 2. 1957.

Wood, John W. State Judicial Selection: Realities vs. Legalities. *State Government.* January, 1958.

Yehle, Leo J. Some Practices and Procedures in Children's Court. *Syracuse Law Review.* Fall, 1957.

Public Administration and Administrative Law

Aronson, Albert H. A New Look at Retirement Plans. *Public Personnel Review.* January, 1958.

Burstein, Herbert. The Practice of Administrative Law. *Practical Lawyer.* February, 1958.

Carrow, Milton M. Types of Judicial Relief from Administrative Action. *Columbia Law Review.* January, 1958.

Cooper, Frank E. Administrative Law: The Process of Decision. *American Bar Association Journal.* March, 1958.

Cotter, Cornelius P., and J. Malcolm Smith. Administrative Responsibility: Congressional Prescription of Interagency Relationships. *Western Political Quarterly.* December, 1957.

Deale, Valentine B. A Major Reform Proposed: The Administrative Practice Reorganization Act. *American Bar Association Journal.* February, 1958.

Duggan, Robert N. The Ashbacker Doctrine and Proceedings before the Civil Aeronautics Board. *Georgetown Law Journal.* Winter, 1957–58.

Dvorin, Eugene P., and Betty R. Wright. The Michigan State University Field Course in Public Administration. *Public Personnel Review.* January, 1958.

Ellsworth, Harris. The United States Federal Service: New Paths to Progress. *Public Personnel Review.* January, 1958.

Fletcher, T. W. The Nature of Administrative Loyalty. *Public Administration Review.* Winter, 1958.

The Function of the Supreme Court in the Development and Acquisition of Powers by Administrative Agencies. *Minnesota Law Review.* December, 1957.

Graves, W. Brooke. Public Service Training for Local Government Personnel in 1956. Legislative Reference Service, Library of Congress. 1957.

Gusfield, Joseph R. Equalitarianism and Bureaucratic Recruitment. *Administrative Science Quarterly.* March, 1958.

Jaffe, Louis L. The Right to Judicial Review. I. *Harvard Law Review.* January, 1958. II. *Ibid.* March, 1958.

Kaplan, H. Eliot. Why Have Uniform Pay Increases? *Public Personnel Review.* January, 1958.

Kaplan, Milton, and Richard B. Lillich. Municipal Conflicts of Interest: Inconsistencies and Patchwork Prohibitions. *Columbia Law Review.* February, 1958.

Likert, Rensis. Measuring Organizational Performance. *Harvard Business Review.* March–April, 1958.

Marvick, Dwaine. Expectations concerning Power in a Bureaucratic Arena. *Administrative Science Quarterly.* March, 1958.

Miles, Rufus E., Jr. The Orientation of Presidential Appointees. *Public Administration Review.* Winter, 1958.

Mitchell, John J. Government Secrecy in Theory and Practice: "Rules and Regulations" as an Autonomous Screen. *Columbia Law Review.* February, 1958.

Personnel Panorama—1957. *Public Personnel Review.* January, 1958.

Stogdill, Ralph M., and Alvin E. Coons, eds. Leader Behavior: Its Description and Measurement. Bureau of Business Research, Ohio State University. 1957.

Stover, Carl F. Changing Patterns in the Philosophy of Management. *Public Administration Review.* Winter, 1958.

Tannenbaum, Robert, and Warren H. Schmidt. How to Choose a Leadership Pattern. *Harvard Business Review.* March–April, 1958.

Walkley, David D. The Use of Undisclosed Evidence by Government Officials in Administrative and Judicial Proceedings. *California Law Review.* October, 1957.

Westcott, Jay B. Government Careers: Opportunities for College Graduates. Syracuse University Press. 1957.

Political Parties, Elections, and Public Opinion

Abramson, E., H. A. Cutler, R. W. Kautz, and M. Mendelson. Social Power and Commitment: A Theoretical Statement. *American Sociological Review.* February, 1958.

Bell, Howard H. National Negro Conventions of the Middle 1840's: Moral Suasion vs. Political Action. *Journal of Negro History.* October, 1957.

Brockhaus, Herman H., and John V. Irwin.

The Wisconsin Sequential Sampling Audience Analyzer. *Speech Monographs*. March, 1958.

Carlson, Robert O. The Use of Public Relations Research by Large Corporations. *Public Opinion Quarterly*. Fall, 1957.

Elder, Robert E. The Public Studies Division of the Department of State: Public Opinion Analysts in the Formulation and Conduct of American Foreign Policy. *Western Political Quarterly*. December, 1957.

Fausold, Martin L. Gifford Pinchot and the Decline of Pennsylvania Progressivism. *Pennsylvania History*. January, 1958.

Fellows, Erwin A. Propaganda and Communication: A Study in Definitions. *Journalism Quarterly*. Fall, 1957.

Friedman, Robert S. The Maryland County Unit System and Urban-Rural Politics. Bureau of Governmental Research, University of Maryland. 1958.

Fuchs, Lawrence H. Presidential Politics in Boston: The Irish Response to Stevenson. *New England Quarterly*. December, 1957.

Glantz, Oscar. Unitary Political Behavior and Differential Political Motivation. *Western Political Quarterly*. December, 1957.

Hakman, Nathan. Bentley's Transactional Views of Politics: An Approach to Social and Political Analysis. *Social Science*. January, 1958.

Illegal Election Practices in Philadelphia. *University of Pennsylvania Law Review*. December, 1957.

Kantor, Harry. Public Finances Parties [in Puerto Rico]. *National Municipal Review*. March, 1958.

Kerrick, Jean S. The Effect of Relevant and Non-Relevant Sources on Attitude Change. *Journal of Social Psychology*. February, 1958.

Ketcham, Ralph L. James Madison and the Nature of Man. *Journal of the History of Ideas*. January, 1958.

Leoni, Bruno. The Meaning of 'Political' in Political Decisions. *Political Studies*. October, 1957.

Mackenzie, W. J. M. The Export of Electoral Systems. *Political Studies*. October, 1957.

MacKinnon, William J., and Richard Centers. Social-Psychological Factors in Public Orientation Toward an Out-Group. *American Journal of Sociology*. January, 1958.

McKeon, Richard. Power and the Language of Power. *Ethics*. January, 1958.

Miller, Delbert C. Industry and Community Power Structure: A Comparative Study of an American and an English City. *American Sociological Review*. February, 1958.

Mitau, G. Theodore. Judicial Determination of Political Party Organizational Autonomy. *Minnesota Law Review*. December, 1957.

Paulson, Stanley F. Pressures Toward Conformity in Group Discussion. *Quarterly Journal of Speech*. February, 1958.

Reichler, Oxie. You Can't Print That. *National Municipal Review*. February, 1958.

Riley, Matilda White, and Richard Cohn. Control Networks in Informal Groups. *Sociometry*. March, 1958.

Rose, Peter I. Student Opinion on the 1956 Presidential Election. *Public Opinion Quarterly*. Fall, 1957.

Rutland, Robert A. President Eisenhower and His Press Secretary. *Journalism Quarterly*. Fall, 1957.

Schlesinger, Joseph A. How They Became Governor: A Study of Comparative State Politics, 1870–1950. Governmental Research Bureau, Michigan State University. 1957.

Schulze, Robert O. The Role of Economic Dominants in Community Power Structure. *American Sociological Review*. February, 1958.

Shaw, Marvin E. Some Effects of Irrelevant Information upon Problem-Solving by Small Groups. *Journal of Social Psychology*. February, 1958.

Sherif, Muzafer. Superordinate Goals in the Reduction of Intergroup Conflict. *American Journal of Sociology*. January, 1958.

Talbot, Ross B. The North Dakota Farmers Union and North Dakota Politics. *Western Political Quarterly*. December, 1957.

Tannenbaum, Arnold S., and Basil S. Georgopoulos. The Distribution of Control in Formal Organizations. *Social Forces*. October, 1957.

Thompson, James D., and William J. McEwen. Organizational Goals and Environment: Goal-Setting as an Interaction Process. *American Sociological Review*. February, 1958.

Tumin, Melvin M., and Robert Rotberg. Leaders, the Led, and the Law: A Case Study in Social Change. *Public Opinion Quarterly*. Fall, 1957.

Van Deusen, Glyndon G. Some Aspects of Whig Thought and Theory in the Jacksonian Period. *American Historical Review*. January, 1958.

Wakefield, Dan. Politics and the Puerto Ricans. *Commentary*. March, 1958.

Williams, G. Mennen. Can Businessmen Be Democrats? *Harvard Business Review*. March–April, 1958.

Economic and Social Functions

National Economy

Berle, A. A., Jr. Economic Power and the Free Society. Fund for the Republic. December, 1957.

Colm, Gerhard, and Theodore Geiger. The Economy of the American People. National Planning Association. 1958.

Davis, Kingsley, ed. A Crowding Hemisphere: Population Change in the Americas. [Symposium.] *The Annals*. March, 1958.

Ehrenhaft, Peter D. Protection Against International Price Discrimination: United States Countervailing and Antidumping Duties. *Columbia Law Review*. January, 1958.

Legal Problems in Water Resources. [Symposium.] *California Law Review*. December, 1957.

Mooney, Richard E., and Edwin L. Dale, Jr., eds. Inflation and Recession? [Symposium.] Doubleday and Co., Garden City, N. Y. 1958.

Potts, James L. The Relation of the Income Tax to Democracy in the United States. *Western Political Quarterly*. December, 1957.

Reexamining the Federal Corporation Income Tax. Tax Foundation. 1958.

Renshaw, Edward. Reclamation and the American Sugar Policy: A Case of Compounding Resource Misallocation. *Western Political Quarterly*. December, 1957.

Sager, William H. Practicability of Uniform Death and Gift Tax Laws. *National Tax Journal*. December, 1957.

Schlesinger, James R. Market Structure, Union Power and Inflation. *Southern Economics Journal*. January, 1958.

Taylor, Paul S. Destruction of Federal Reclamation Policy? The Ivanhoe Case. *Stanford Law Review*. December, 1957.

Turner, Robert C. The Dilemma of Economic Policy. *Appraisal Journal*. January, 1958.

Ward, Hashell P. A Neglected Dimension of Fiscal Policy. *Social Research*. Winter, 1957. [January, 1958.]

Water Resources. [Symposium.] *Law and Contemporary Problems*. Summer, 1957.

White, Gilbert F. The Facts about Our Water Supply. *Harvard Business Review*. March–April, 1958.

Agriculture

Agricultural Cooperatives and the Antitrust Laws: Clayton, Capper-Volstead, and Common Sense. *Virginia Law Review*. January, 1958.

Congress and the 1958 Farm Program. [Symposium.] *Congressional Digest*. March, 1958.

Connor, James R. National Farm Organizations and United States Tariff Policy in the 1920's. *Agricultural History*. January, 1958.

Symposium on the Regulatory Functions of the Department of Agriculture. *George Washington Law Review*. January, 1958.

Tontz, Robert L. Origin of the Base Period Concept of Parity—A Significant Value Judgment in Agricultural Policy. *Agricultural History*. January, 1958.

Business and Labor

Chamberlin, Edward H. The Economic Analysis of Labor Union Power. American Enterprise Association. 1958.

Chanin, Judy. Development of a Free-Speech Policy in Industrial Relations. *Labor Law Journal*. January, 1958.

Cochran, Thomas C. The Organization Man in Historical Perspective. *Pennsylvania History*. January, 1958.

Cohen, S. Ralph. The Political and Economic Aspects of the Jet Age. *Journal of Air Law and Commerce*. Autumn, 1957.

Cook, A. Samuel. The Right to Manage. *Labor Law Journal*. March, 1958.

Daykin, Walter L. Legality of Lockouts under the Taft-Hartley Act. *Labor Law Journal*. February, 1958.

Dirlam, Joel B., and Irwin M. Stelzer. The *du Pont-General Motors* Decision: In the Antitrust Grain. *Columbia Law Review*. January, 1958.

The Discretionary Jurisdiction of the NLRB. *Harvard Law Review*. January, 1958.

Dooley, Mary L. Collective Bargaining—Institutional and Statutory Setting. *Labor Law Journal*. January, 1958.

Due Process and the Double Affirmation Clause in Unemployment Insurance Statutes. *University of Pennsylvania Law Review*. December, 1957.

Eckstein, Otto. Natural Gas and Patterns of Regulation. *Harvard Business Review*. March–April, 1958.

Edelman, Murray. Interest Representation and Policy Choice in Labor Law Administration. *Labor Law Journal*. March, 1958.

Gellman, Aaron J. The Regulation of Competition in United States Domestic Air Transportation: A Judicial Survey and Analysis. *Journal of Air Law and Commerce*. Autumn, 1957.

Hazard, Leland. Unionism: Past and Future. *Harvard Business Review*. March–April, 1958.

Hellerstein, Jerome R. Mergers, Taxes, and Realism. *Harvard Law Review*. December, 1957.

Isaacson, William J. Labor Arbitration in State Courts. *Arbitration Journal*. Vol. 12, No. 4. 1957.

Kaufman, Jacob J. Grievance Arbitration in the Railroad Industry. *Labor Law Journal*. March, 1958.

Kerr, Clark. Unions and Union Leaders of Their Own Choosing. Fund for the Republic. December, 1957.

Klebaner, Benjamin J. The Bank Holding Company Act of 1956. *Southern Economic Journal*. January, 1958.

Larroca, Raymond G. Price Differentials and the Quantity Limit Proviso. *Georgetown Law Journal*. Winter, 1957–58.

Lincoln Mills: Labor Arbitration and Federal-State Relations. *Columbia Law Review*. December, 1957.

Linowitz, Sol M., and George W. F. Simmons. Antitrust Aspects of Grant Back Clauses in License Agreements. *Cornell Law Quarterly*. Winter, 1958.

Loss, Louis. The Conflict of Laws and the Blue Sky Laws. *Harvard Law Review*. December, 1957.

Lubin, Isador, and Charles A. Pearce. New York's Minimum Wage Law: The First Twenty Years. *Industrial and Labor Relations Review*. January, 1958.

Manne, Henry G. The Perplexing du Pont Case: Additional Confusion in the Law of Mergers. *University of Pennsylvania Law Review*. January, 1958.

Mayer, Henry. Interunion and Intraunion Relations. *Labor Law Journal*. February, 1958.

McDermott, Thomas J. Ten Years of the National Emergency Procedure. *Labor Law Journal*. March, 1958.

Meltzer, Bernard D. Recognition-Organizational Picketing and Right-to-Work Laws. *Labor Law Journal*. January, 1958.

Protection of Beneficiaries under Employee Benefit Plans. *Columbia Law Review*. January, 1958.

Ross, Arthur M. The Well-Aged Arbitration Case. *Industrial and Labor Relations Review*. January, 1958.

Rowe, Frederick M. The Evolution of the Robinson-Patman Act: A Twenty-Year Perspective. *Columbia Law Review*. December, 1957.

Scolnik, Robert J. Hot Cargo Clauses. *Labor Law Journal*. January, 1958.

Sexton, Edward V. Recent Legislation in the Field of Retail Instalment Sales. *Syracuse Law Review*. Fall, 1957.

Sovern, Michael I. Section 4 of the Bankruptcy Act: The Excluded Corporations. *Minnesota Law Review*. December, 1957.

Stedman, John C. The Merger Statute: Sleeping Giant or Sleeping Beauty? *Northwestern University Law Review*. November–December, 1957.

Stocking, George W. The du Pont-General Motors Case and the Sherman Act. *Virginia Law Review*. January, 1958.

Sussna, Edward. State Intervention in Public Utility Labor-Management Relations. *Labor Law Journal*. January, 1958.

Sweetall, Robert V., and Stanley L. Aiges. Lockouts. *Labor Law Journal*. January, 1958.

Union Refusal to Bargain: Section 8(b)(3) of the National Labor Relations Act. *Harvard Law Review*. January, 1958.

Vassil, John C. Public Use: The Inventor's Dilemma. *George Washington Law Review*. January, 1958.

Walker, Herman, Jr. The Post-War Commercial Treaty Program of the United States. *Political Science Quarterly*. March, 1958.

Wood, Norman J. Employer Free Speech and Representation Elections. *Labor Law Journal*. January, 1958.

Health, Education, and Welfare

Albee, George W. Manpower Prospects in Mental Health. *State Government*. March, 1958.

Axt, Richard G. The Josephs Report—Toward a Federal Policy in Higher Education. *Educational Record*. October, 1957.

Bacon, Selden D., ed. Understanding Alcoholism. [Symposium.] *The Annals*. January, 1958.

Cheit, Earl F. Radiation Hazards: A New Challenge to Workmen's Compensation. *Labor Law Journal*. February, 1958.

Downard, Paul. California's Mental Hygiene Reimbursement Program. *State Government*. March, 1958.

Edgar, J. W. Statewide Cooperation for Public Education. *State Government*. February, 1958.

Evans, John. Salvaging Alcoholics. *National Municipal Review*. March, 1958.

Implementation of Desegregation by the Lower Courts. *Harvard Law Review*. January, 1958.

Kammerer, Gladys M. The Organization of Child Welfare Services. *Public Administration Review.* Winter, 1958.

———. Thirteen Years of Achievement: The Southern Regional Training Program. Bureau of Public Administration, University of Alabama. 1958.

Larson, Neota. OASI and the Social Services. *Social Work.* January, 1958.

Olney, Warren, III. A Government Lawyer Looks at Little Rock. *California Law Review.* October, 1957.

Perkins, John A. Higher Education and Training for Administrative Careers. *Public Administration Review.* Winter, 1958.

Rohrlich, George F. Veterans' Pensions in Retrospect and in Prospect. *Social Service Review.* December, 1957.

Selzer, Melvin L. Alcoholism and the Law. *Michigan Law Review.* December, 1957.

Solender, Sanford. Public Social Policy and Social Work Practice. *Social Work.* January, 1958.

Sturges, Wesley A. The Legal Status of the Red Cross. *Michigan Law Review.* November, 1957.

Wolman, Abel. Elements of a State Water Program. *State Government.* February, 1958.

Military Affairs and National Security

Cooper, John Cobb. The Russian Satellite—Legal and Political Problems. *Journal of Air Law and Commerce.* Autumn, 1957.

Criminal Jurisdiction over Civilians Accompanying American Armed Forces Overseas. *Harvard Law Review.* February, 1958.

Does War Toll the Statute of Limitations? *Columbia Law Review.* December, 1957.

Frampton, George T. Radiation Exposure—The Need for a National Policy. *Stanford Law Review.* December, 1957.

Freeman, Harrop A., and Stanley Yaker. Disarmament and Atomic Control: Legal and Non-Legal Problems. *Cornell Law Quarterly.* Winter, 1958.

Henderson, Gordon D. Courts-Martial and the Constitution: The Original Understanding. *Harvard Law Review.* December, 1957.

Hoegh, Leo A. Continuity of State and Local Government in Emergency. *State Government.* February, 1958.

International Security: The Military Aspect. ("Rockefeller Report" on Problems of U. S. Defense). Doubleday and Co., Garden City, N. Y. 1958.

Kissinger, Henry A. Missiles and the Western Alliance. *Foreign Affairs.* April, 1958.

Unna, Warren. CIA: Who Watches the Watchman? *Harper's.* April, 1958.

Witkin, Richard, ed. The Challenge of the Sputniks. [Symposium.] Doubleday and Co., Garden City, N. Y. 1958.

Government Documents

Congress

House. Committee on Armed Services. Investigation of National Defense Missiles. Hearings. 85th Cong., 2nd Sess. 1958.

———. Committee on Education and Labor. Proposed Amendments to Public Laws 815 and 874, 81st Congress (Assistance to Federally Affected School Districts). Hearings before Subcommittee. 85th Cong., 1st and 2nd Sess. 1958.

——— ———. Scholarship and Loan Program. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

———. Committee on Government Operations. Federal-State-Local Relations. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

———. Committee on Interior and Insular Affairs. Small Tract Act. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

———. Committee on Interstate and Foreign Commerce. Newsprint Study. Hearing. 85th Cong., 1st Sess. 1958.

———. Committee on the Judiciary. The Airlines Industry. House Report No. 1328. 85th Cong., 2nd Sess. 1958.

——— ———. Consent Decree Program of the Department of Justice. Hearings before Subcommittee. 85th Cong., 1st Sess. 1957.

——— ———. Mailing of Obscene Matter. Hearings before Subcommittee. 85th Cong., 2nd Sess. 1958.

———. Committee on Post Office and Civil Service. Postal and Classified Employees Salary Adjustment. Hearing. Also House Report No. 1452. 85th Cong., 2nd Sess. 1958.

———. Committee on Un-American Activities. Investigation of Soviet Espionage. Hearings. 85th Cong., 1st Sess. 1958.

———. Committee on Veterans' Affairs. Consolidation of Veteran Benefit Laws. Hearings before Subcommittee. Also House Report No. 1298. 85th Cong., 2nd Sess. 1958.

———. Committee on Ways and Means. Debt Limit of the United States. Hearing. 85th Cong., 2nd Sess. 1958.

——— ———. Foreign Trade Policy. Hearings before Subcommittee. 85th Cong., 1st Sess. 1957.

———. Select Committee on Small Business. Price Discrimination in Dairy Products. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

House and Senate. Joint Committee on Washington Metropolitan Problems. Growth and Expansion of the District of Columbia and Its Metropolitan Area. Senate Report No. 1230. 85th Cong., 2nd Sess. 1958.

———. Joint Economic Committee. Federal Expenditure Policy for Economic Growth and Stability. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

——— ———. January 1958 Economic Report of the President. Hearings. Also House Report No. 1409. 85th Cong., 2nd Sess. 1958.

——— ———. Policy for Commercial Agriculture. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

Senate. Committee on Agriculture and Forestry. Extension of the National Wool Act. Hearings before Subcommittee. 85th Cong., 2nd Sess. 1958.

——— ———. Farm Program. Hearings. 85th Cong., 2nd Sess. 1958.

———. Committee on Armed Services. Inquiry into Satellite and Missile Programs. Hearings before Subcommittee. 85th Cong., 1st and 2nd Sess. 1958.

———. Committee on Banking and Currency. Federal Reserve Monetary Policies. Hearing before Subcommittee. 85th Cong., 2nd Sess. 1958.

——— ———. Small Business Disaster Loans. Hearing. Also Senate Report No. 1185. 85th Cong., 2nd Sess. 1958.

——— ———. Urban Renewal in Selected Cities. Hearings before Subcommittee. 85th Cong., 1st Sess. 1957. [1958.]

——— ———. 1958 Emergency Housing Legislation. Hearing. Also Senate Report No. 1349. 85th Cong., 2nd Sess. 1958.

———. Committee on Finance. Debt Ceiling Increase. Hearings. Also Senate Report No. 1297. 85th Cong., 2nd Sess. 1958.

——— ———. Taxation on Life Insurance Income. Hearings. Also Senate Report No. 1368. 85th Cong., 2nd Sess. 1958.

——— ———. Technical Amendments Act of 1958. Hearings. 85th Cong., 2nd Sess. 1958.

———. Committee on Government Operations. Action by the Congress and the Executive Branch of the Government on the Second Hoover Commission Reports, 1955–57. Senate Report No. 1289. 85th Cong., 2nd Sess. 1958.

———. Committee on Interior and Insular Affairs. National Wilderness Preservation Act. Hearings. 85th Cong., 1st Sess. 1957.

——— ———. Reclamation Problems. Hearing. 85th Cong., 2nd Sess. 1958.

———. Committee on Interstate and Foreign Commerce. Alcoholic Beverages Aboard Aircraft. Hearings before Subcommittee. 85th Cong., 1st Sess. 1958.

———. Committee on the Judiciary. Rapid Amortization in Regulated Industries. Senate Report No. 1380. 85th Cong., 2nd Sess. 1958.

———. Committee on Post Office and Civil Service. Postal Rates. Hearings before Subcommittee. 85th Cong., 1st and 2nd Sess. 1958.

———. Committee on Public Works. Extension of the United States Capitol Building. Hearing before Subcommittee. Also Senate Report No. 1352. 85th Cong., 2nd Sess. 1958.

Other Federal

Department of Commerce. Bureau of the Census. Governments Division. Public Employment in April 1957. 1958.

President of the United States. Report of the Joint Federal-State Action Committee. Progress Report No. 1. December, 1957.

FOREIGN AND COMPARATIVE GOVERNMENT

Parnell and His Party, 1880–90. BY CONOR CRUISE O'BRIEN. (London and New York: Oxford University Press. 1957. Pp. ix, 373. $7.20.)

As is so often the case with Irish themes, the political career of the nineteenth-century figure Charles Stewart Parnell has suffered at the hands of uncritical apologists and detractors alike, and careful assessments of his leadership have been drowned in a sea of polemical reminiscences. Our debt to Mr. O'Brien is necessarily great, for he has managed with meticulous scholarship to disentangle the complex strands of the Parnell story and reweave them into a convincing fabric. His object is, in his words, "to restore [Parnell] to his immediate political context and to describe that context; to examine how the Irish party at Westminster in the eighties was made up; how it developed and what it did; how it was led and how, finally, it and its leader destroyed each other."

Political history of this kind is not directly concerned with either the key figure's ultimate motives or with his long-term intentions; its focus instead is on his political behavior, and that of the party that he headed. Like the historical analyses of the Namier school, this study makes liberal use of sociological and biographical data to depict the structure of the party and its leadership. Unlike the work of many Namierites, it is as much concerned with evaluating policy and strategy as with snapping candid and detailed pictures of a political situation.

Political scientists will find here ample data for testing current hypotheses about party behavior. This is especially true because the Irish party was a type that has counterparts even in this age of declining colonialism. It sat as a seemingly permanent minority in the parliament of a country from which it demanded both ameliorative legislation (the land tenure question) and a weakening of that country's power (the home rule question). It was often capable of withholding from other parties the power to govern but never of assuming it itself. And it was controlled by men basically constitutionalist in outlook who were nevertheless dependent upon semi-revolutionary supporters.

Parnell's unique leadership was attuned to these difficult needs. Without denying the force of Parnell's personality, Mr. O'Brien comes down squarely on the side of those who see political leadership as primarily situational in character. That a Protestant landlord aristocrat should lead a Catholic people in its fight against landlordism seems less paradoxical when it is realized that the House of Commons was still very much an aristocratic assembly in which power went more easily to one who neither misunderstood its "tone" nor was overawed by it. Parnell's achievement in manoeuvering Gladstone and his Liberals into the home rule camp was no greater than his welding together into a common organization and strategy the dozens of political factions of the Ireland of his day, or his successful fight to reconcile his semi-revolutionary *clientèle* to the need to proceed constitutionally. These accomplishments, although partly reversed in succeeding decades, nevertheless left a positive mark on the character of today's independent Eire.

Mr. O'Brien's analysis of the Irish party is particularly noteworthy, for it reveals that several decades before British parties began to reshape themselves along the lines of the National Liberal Federation, British politics had already known a modern-type political party—highly centralized, organized on four levels, and possessed of the now familiar disciplinary devices of the caucus, the party pledge, and financial control. Followers of Michels will take heart from the description of how the parliamentary party effectively dominated outside organizations and controlled nominations, and how in turn Parnell and a few cronies ruled the total structure with an autocratic hand. Parnell's own tragic end at the hands of the party—a necessary sacrifice to his hard-won alliance—puts the iron law to a greater test, however.

This is political history of the highest order, and it deserves the attention of every student of parties.—JAMES B. CHRISTOPH, *Ohio State University*.

Democracy in England. BY DIANA SPEARMAN. (New York: The Macmillan Company. 1957. Pp. xviii, 238. $6.00.)

Two decades ago Mrs. Spearman published an excellent comparative analysis of *Modern Dictatorship;* unfortunately the present effort does not quite measure up to that earlier standard. Her purpose here is twofold: to analyze the qualities of contemporary British democracy and to show how those qualities are the product of a particular historical evolution. Perhaps surprisingly, in view of the success of her earlier analytical study, the history comes off somewhat better than the analysis.

Indeed the historical sections are excellent: urbane, shrewd, and often witty. They do not pretend to be a history of British politics, still less of the British constitution; she has sought to trace the development of the idea and practice of democracy in England from the eighteenth century to today. This is a major task and Mrs. Spearman has done it courageously and competently. But such an enterprise is bound to encounter some difficulties. Inevitably the author must deal with both political theory and political institutions, for she must determine the extent to which the institutions carry out the democratic theory that she is trying to perceive or expound. This in turn requires two things: first, a clear conception of the theory; and, second, the use of broad interpretative generalizations.

On the first of these points the book is weak, and on the second, careless. It appears to shift its theoretical ground from time to time and the author has not always been careful to state what theory of democracy she is using at a particular time. In the early chapters, the criterion appears to be the dual one of personal liberty and popular influence on government. Her analysis of the pre-1832 constitution shows not only that individual liberty was well secured but, more surprisingly, that there was a substantial amount of popular control over government policy despite the unreformed House of Commons.

The devices of representation and control, however, were organized not around the individual but around the group or interest. This conception the author sharply contrasts with the egalitarian democracy of the late nineteenth and early twentieth centuries, with its doctrine of "one man, one vote." Indeed a major theme of the book is that, although the representation of interests gave way in this later period to the representation of persons, there is now in mid-century a definite swing back in the other direction. Paradoxically this appears to be the result of the very egalitarianism that produced the representation-of-persons idea and should consequently be of considerable interest to the growing band of scholars now hotly pursuing the interest-group theory of contemporary British politics.

This egalitarianism profoundly disturbs the author and it is her rejection of the theory of democracy as equality that finally discloses her own (not perfectly consistent) theoretical preference for a democracy of freedom and popular control. She sees the emphasis on political—and even economic—equality as the weakness rather than the accomplishment of British democracy. For by its insistence upon state-maintained guarantees, it threatens to stultify individualism and reduce freedom to a meaningless ideal, absorbed into the all-pervading quest for security. "The main danger to democracy is an obsession with equality," she says (p. 209), and further, "it is doubtful how far democracy can exist without substantial economic inequality; prosperity seems bound up with inequality of income, liberty with inequality of property" (p. 193).

Mrs. Spearman is widely read in the recent scholarship and brings to her work a considerable personal experience in politics. Her book is enhanced by references to many unusual and even obscure events and persons. The account is lively and the writing, though sometimes careless, is often sparkling and epigrammatic. Who would quarrel with a writer who can say that "politics are nearly always concerned with past not existing conditions" (p. 132) or that "philanthropy, which in the days of Shaftesbury had been nearly always inspired by religion, had by the eighteen-nineties become a substitute for it" (p. 151)?

On the other hand, her need to cover a vast sweep of affairs in a small book has required some very broad generalizations, and this has sometimes tempted her into judgments that oversimplify or overstate. I doubt that she really meant to say of the beginnings of Hansard that "everyone wanted to read every word of every debate in both houses" (p. 48) or that "the two philosophies which have had most influence on popular ideas [are] Marxism and psychoanalysis" (p. xi).

But this, of course, is the constant peril of historical synthesis and interpretation. To say that she has now and then been trapped by the seductive lure of the grand generalization is by no means to condemn her work out of hand. *Democracy in England* is an essay of skill and value and, if it is marred in places by confusions or simplifications, its argument is nevertheless both profound and important and its contribution is substantial.—William S. Livingston, *The University of Texas.*

South Africa: Economic and Political Aspects. By H. M. Robertson. (Durham: Duke University Press; London: Cambridge University Press. 1957. Pp. xi, 192. $3.50.)

This slim volume is welcome as one of the all too few attempts to analyze the South African situation dispassionately and in depth. The fact that its author is Jagger Professor of Economics at the University of Cape Town gives special weight to those portions of the book that deal with the economic relations between whites and non-whites in his country. Yet the work is far from limited to economic issues. The first essay gives a lucid historical survey of the evolution of contact between whites and Africans in South Africa; the third and last deals with the recent constitutional struggle over removing the Colored from the common roll in Cape Province and includes almost too much detail on its background. Only the second essay is primarily economic in character, describing the rapid industrialization of both rural whites and rural blacks under the impact of South Africa's dynamic industrial revolution, and pointing out the difficulties, if not impossibility, of disentangling whites and non-whites in the national economic situation.

Apart from its historical material, the most useful part of Professor Robertson's book is his analysis of the proposals of the Tomlinson Commission Report on the Socio-Economic Development of the Bantu Areas. His conclusion is that its estimates of what would be necessary to make the reserves viable within a period of twenty-five to forty years for sixty to seventy per cent of South Africa's Bantu are "hopelessly optimistic" (p. 64). At the same time, he points out what has become still more abundantly clear: that the Nationalist Government is neither accepting the techniques of development—in particular, private investment—nor even the sums proposed for annual allocation by its own Commission. Little is more paradoxical, or perhaps enlightening, than that the urgency with which the Tomlinson Commission called for a long-range program to save the white population from being swamped by the ever-increasing number of Bantu surging out of the impoverished reserves into the European areas has been answered by relative inactivity on the part of a Government which avowedly bases its policy upon the principles of *apartheid* (racial separation). By so doing, the Nationalists make it obvious that *apartheid*, in practice, means subordination rather than parallel development.

Basic to every aspect of life are the economic drives in the South African situation. It is disappointing, therefore, that Professor Robertson has not given us a still more comprehensive and forthright analysis of present economic realities and prospects in that country. His own opposition to schematic and imposed patterns is never in doubt. But his very desire to keep his essays, like the lectures on which they were based, on a level that would appeal to a general audience has led him to tread all too cautiously in dealing with the major economic questions so vital for the development of his country. To have combined such an analysis with a well rounded conclusion would have given the book not only more unity, but also a more lasting value.

Though one misses such a conclusion, a special word should be said about the glossary and the comprehensive bibliography, with its shrewd comments on a wide variety of works, not all so well known in this country as they should be.—Gwendolen M. Carter, *Smith College.*

A History of Communism in East Asia. By Malcolm Kennedy. (New York: Frederick A. Praeger. 1957. Pp. ix, 556. $8.50.)

"East Asia" for the purposes of this book extends from Afghanistan to Japan, comprising the whole of Asia with the exception of what is now commonly known as the Middle East. To compress the history of the Communist movement in so vast an area within a single volume of some five hundred pages is no mean feat. Captain Kennedy has performed it so expertly as to make it appear easy. For the non-specialist who wishes to obtain a general picture of the development of Communism in Asia this book has no rival. It is therefore all the more gratifying that it has been portrayed so competently. The scheme of the work is both clear and comprehensive. It is divided into four sections chronologically—origins, the period between the wars, the second world war, and post-war developments. Each section depicts the evolution of the Communist movement as an international organization and also traces the history of the Communist Parties in the various countries.

The book does not make, and does not claim to make, any original contribution to knowledge: it assembles and presents synoptically the voluminous material to be found in a large number of other works. The sources used are almost entirely in English and consist mainly of studies of particular aspects of Asian Communism supplemented by newspapers, Communist and other. Consequently, the book sometimes reproduces the deficiencies as well as the contributions of earlier works. For example, Son Ngoc Minh, the leader of the Khmer Issarak, is said to be a relative of Son Ngoc Thanh (p. 427). The claim of the former Indonesian Socialist leader, Amir Sjarifuddin, to have been a Communist since 1935 is accepted somewhat too unquestioningly (p. 311): it is doubted by some who knew him well. There is some confusion about the circumstances of K. I. Singh's flight from Nepal in 1952, and about the Indian attitude to the Nepali Congress, which is further confused with the Nepali National Congress (p. 496); but confusion about Nepalese politics is very understandable. Several references are made to the South-East Asia Youth Conference, held in Calcutta in February 1948, at which it is said plans were laid for the revolutionary risings that occurred in a number of countries later that year. The strongest direct evidence for this is the testimony of U Nu, which carries no little weight; but it is curious that the text of the directive cited (p. 443) has not been published.

Such minor points, however, may concern the specialist but need not worry the general reader. They affect the detail but not the broad outline of the story that Captain Kennedy lucidly presents. It is certainly a success story from the Communist point of view: the conquest of half of Asia in the space of forty years. The author blames the "fatal decisions" of Yalta (p. 293). This is a fashionable view, and to one looking back with the wisdom of hindsight it appears that the Western powers need not have provided arguments and inducements for Russia to enter the war against Japan. But it is open to question whether, without the Yalta agreements, Russia would have stayed out, when it was so obviously in her interest to be in at the kill. It was the Russian occupation of Manchuria, not any diplomatic document, that was the decisive factor, and it is difficult to see how the Western powers could have prevented that.

Captain Kennedy seems to place his hopes for the future in the "removal of Chinese misunderstandings" about the West. This was an operation which the Japanese repeatedly attempted to perform before the war, without success, though admittedly with different objectives. Others may think that democracy can become a check and balance to Communism in Asia. The Communist failure in Burma is noteworthy because it provides an example of a front organization that was captured from the Communists, thanks to Aung San, by the Socialists; but it must be added that the example is unfortunately unique. Whatever view may be taken, however, about the author's hopes for the future development of Asian Communism, there should be little doubt about the value of his account of its past.—SAUL ROSE, *St. Antony's College, Oxford.*

La Slovaquie dans le drame de l'Europe (Histoire politique de 1918 a 1950). BY JOSEPH A. MIKUS. (Paris: Les Iles d'Or. 1955. Pp. 474. 1,350 fr.)

The Slovaks had the bad fortune of attaining separate statehood under Hitler's auspices. Slovak independence thus came to be associated with Nazi rule in Central Europe. But, in spite of Czechoslovakia's restoration in 1945, the idea of a Slovak state is not dead. To be sure, it is proscribed at home; abroad, however, the restoration of a separate Slovak state is being propagated by certain exiles. It is on behalf of these aspirations that Joseph A. Mikus, a Catholic Slovak historian, wrote this history of Slovakia from 1918 to 1950.

Mikus's book is strongly polemical in tone. He is angry at the Hungarians for assigning, as he puts it, no better fate to the Slovaks than submission to the Hungarian state, and at the Czechs for fostering the myth of a Czechoslovak nation. But whatever we think of the presentation of the author's thesis, he is probably right in his conclusion that the Slovaks, after experiencing Hungarian and Czech domination as well as German and Soviet totalitarianism, would like to live a national life of their own. Moreover, his argument in favor of a federative system as the only possible solution of Central Europe's nationality conflicts sounds convincing.

Whether a federation of nations is attainable in that spirit of passionate nationalism that seems to permeate Mikus's thinking is another matter. Furthermore, unless Soviet Russia were defeated in a third World War, it is most unlikely that the Central European federation Mikus proposes ever could be formed, since, according to his way of thinking, this federation should embrace all the nations between Germany and Russia, from the Baltic to the Balkans, including the Ukraine and White Russia. This, incidentally, is the well-known plan of "Intermarium," advocated by *émigrés* of the Right who fled Central Europe prior to its "liberation" by the Red Army.

It would be wrong, however, to view Slovak separatism merely as an affair of certain anti-Communist exiles. The Slovak question, shelved for the time being, would almost certainly reappear if and when Soviet rule, which guarantees the present status quo, ends over Central and Eastern Europe.—STEPHEN BORSODY, *Chatham College.*

The Soviet Secret Police. EDITED BY SIMON WOLIN AND ROBERT M. SLUSSER. (New York: Frederick A. Praeger for the Research Program on the U.S.S.R., East European Fund, Inc. 1957. Pp. xii, 408. $8.00.)

In the preface the editors suggest that the present survey must be regarded as "only a beginning" of the study of the secret police of the Soviet Union. In preparing so to categorize their effort they indicate briefly the fundamental difficulties militating against a more definitive analysis: the paucity of written studies and documentary materials and, more particularly, the very natural caution that must be exercised in utilizing such materials as do come to hand.

The editors introduce the general theme by tracing the development of the Soviet secret police under its varying designations beginning with the rather generic term, the Cheka, and carrying through to the present-day MVD and KGB. The concise summary is followed by a passage of equal length comprising notes on the text and containing supplementary supporting data, some of which might have been included in the body of the text. References are made to significant Soviet and other primary sources as well as to secondary materials. A short postscript at the end of the volume brings the evolutionary account up to date with a brief comment on the situation since the death of Stalin. The remainder, i.e., the bulk of the book is devoted to some nine essays by five former Soviet citizens describing specific aspects of the organization and operation of the extensive police system and security armies of the Soviet Union. The book concludes with a reading list, further unincorporated addenda, and an index. Particularly revealing as suggesting the underlying emotional conflict felt by certain (presumably not all) members of the secret police is the short sketch on Feliks Dzerzhinski, the creator of the original Soviet secret police, the Cheka.

It is to be regretted that the five essayists could not have been introduced more completely, and one wonders whether American governmental security measures or personal considerations prevented more adequate identification. Similarly, there were many passages in which the student of Soviet developments might well have hoped for documentary corroboration of the individual testimony offered. However, this was balanced in part by the care taken in other sections to provide as much confirming detail as possible.

In reviewing the nature of the Soviet secret police it is likely that many readers will be disturbed and depressed by the atmosphere of impersonal and detached inhumanity characteristic of such a system. This is emphasized in the present study by the absence of any comparison of or attempt to understand the specific differences and similarities between the Soviet and western or American police systems. By default the implication is that the Soviet Union only, and exclusively, is guilty of denying individual liberties, an inference not supported to that extent by observable circumstances. In the light of the delicate international situation existing today and in the interest of more perceptive scholarship it is suggested that, increasingly, writers on Soviet subjects must seek a new and more circumspect objectivity, avoiding final evaluation in every case until a routine of comparison and criticism has been accomplished. In such a process, it seems likely that final judgments will not be less unfavorable but will have the added virtue of resting on unassailable ground of impartial analysis.

Such passing reflections in no way, however, detract from the essential fact that this work has great merit and will serve as a ready and convenient source of reference for Soviet scholars.—JOHN S. GILLESPIE, *Tulane University.*

Das Dritte Reich und seine Diener, Dokumente. EDITED BY LEON POLIAKOV AND JOSEF WULF. (Berlin-Grunewald: Arani Verlags GmbH, 1956. Pp. xv, 540. DM 39.50.)

Der Mythos vom Dritten Reich: Zur Geistesgeschichte des Nationalsozialismus. BY JEAN F. NEUROHR. (Stuttgart: J. G. Cotta'sche Buchhandlung Nachfolger. 1957. Pp. 287. DM 18.50.)

The important and disturbing work by Leon Poliakov and Josef Wulf examines—entirely through reprinted documents culled from the great archives of the *Centre de Documentation Juive Contemporaine* in Paris and of the International Military Tribunal in Nuremberg—the activity of the German Foreign Office and the diplomatic missions abroad, the judiciary, and the *Wehrmacht* with regard to the "final solution" of the so-called "Jewish Question." The documents justify the sweeping statement of the compilers that "the entire 'Gotha' of German diplomacy [and, one should add, of the German army and judiciary] was informed about the Jewish Question in one way or another."

The first 160-page section of the volume, dealing with the Foreign Office, presents solid evidence that the Nazi leaders organized the round-up and transportation of Jews in the occupied areas through Foreign Office channels and the German diplomatic missions. The second part (also approximately 160 pages) provides a penetrating—if gruesome—picture of the administration of "justice" in the Third Reich by offering documentary evidence on the application of the "racial laws" to concrete cases. The third section, dealing with the activities of the armed forces in regard to anti-semitic propaganda and policies, clearly shows that many—if not all—staff and field officers (as well as an undeterminable percentage of enlisted men), especially on the Eastern front, knew about the atrocities committed by the regime which they so faithfully served—and that what was done was by no means always a matter of attached SD units or *SS-Einsatzkommandos*!

Das Dritte Reich und seine Diener is handsomely printed, replete with easily legible photostats of original documents and good photographs; it contains an amazingly comprehensive index of names and, above all, accurate references and excellent footnotes.

Jean Neurohr, the Alsace-born Director of the *Institut Français* in Berlin and author of *Der Mythos vom Dritten Reich* appears to be at home in the German world of thought and sentiment quite as much as in his own French world. This enables him to identify in masterly fashion the contributing intellectual strands that combined to form the overall ideology of the Third Reich and not merely to analyze their rational content, but also to convey their emotional quality.

Quite properly the emphasis of this timely, relatively short, and clearly written book is on the composite character of the concept of the Third Reich. Neurohr therefore organizes the discussion of the intellectual roots of Hitlerism not—as has become customary—chronologically (as do, e.g., George Lukacs, R. D'O. Butler, William McGovern) or according to authors (as does Vermeil), but according to the partial myths or ideologies that were opportunistically borrowed by Nazism from the competing strands of the "conservative revolution."

Beginning with three chapters which summarize the development of national feeling in Germany in the nineteenth century, during the First World War, and after 1918, the author devotes the following nine chapters to a portrayal of as many "*Teil-Mythen*" of the "new nationalism." In consecutive chapters, Neurohr describes the origin of the myth of the so-called "German revolution," the theoretical assumptions of the concept of the "new (or total) state," the nature of "German socialism," the racial mythology, the arguments for the "theology of nationalism" (or "German Christianity") and for the "*Imperium Sacrum.*" There follow chapters on the origin of the myths of the "youthful nations," of "German art," and on the new psychology of man.

To anticipate criticism born of disappointment, it should be mentioned that the book was not written for the expert. It contains for him no startlingly new insights into the intellectual and emotional world of the "conservative (nationalist) revolution." The expert will look in vain for well-rounded accounts of the *total* thought of such men as Spengler, Moeller van den Bruck, Jung, George, Spann, Schmitt, Jünger, Gründel, Gogarten, Fried, Stapel, Wirsing, or Lang. Instead, Neurohr has written a sophisticated introduction to an important sector of recent intellectual history from which the non-German educated layman has remained largely excluded and which until very recently has been a preserve of the *terribles simplificateurs.* Keeping this in mind, one should try to master one's irritation over the absence of scholarly apparatus, and over the fact that—in explicit reliance on Armin Mohler's encyclopaedic bibliography—the bibliography at the end of this volume is sparse.

A translation of *Der Mythos vom Dritten Reich* for wide circulation in the English-speaking world and, specifically, for use in our college courses on contemporary intellectual history or modern political theory, would seem to this reviewer highly desirable.—KURT P. TAUBER, *University of Buffalo.*

Wage Policy and The Health Service. BY H. A. CLEGG AND T. E. CHESTER. (Oxford: Basil Blackwell. 1957. Pp. viii, 142. 18/6.)

When British medical facilities were nationalized in 1948, new problems of wage determination arose, for wages and salaries had varied widely in these services and it was now felt that common methods and criteria were needed in fixing rates of pay for the half million or so new government employees. The method chosen was that of collective bargaining through a modified Whitley Council system. The present volume carefully examines the experience and effectiveness of this system, recounts the history of negotiations under it, and suggests the need for certain reforms in it. Finally the authors consider whether this experience will be of use in planning and administering a "national wage policy," i.e., a general and regularized control of wages by the national government. Although there is no immediate prospect of the adoption of such a policy, clearly such studies as this will be most useful if such a plan should be attempted, not only in giving direction to its development but also in displaying the obstacles in its path.

The Higher Public Service of the Commonwealth of Australia. BY HOWARD A. SCARROW. (Durham: Duke University Press; London: Cambridge University Press. 1957. Pp. x, 180. $3.50.)

Australia and Canada have an endless fascination for students of comparative government in that each combines so many features of both the British and the American governmental systems. The present study illustrates this combination, providing at the same time an interesting summary of the organization, development, and functions of the Australian civil, or "public," service. Though considerably briefer, it provides a satisfactory companion to Taylor Cole's examination of *The Canadian Bureaucracy* (1949) and should be of use to students both of Australian government and of comparative administration.

The author has based his study on eighteen months' research in Australia and has been able to sprinkle it with description and anecdote which, though their source is not always given, do much to enliven his presentation. The book not only describes the structure and organization of the public service but does an admirable job in showing the relation between the senior public servants and the parliamentary and federal setting in which their role and work are performed. And the job has been well done; this is a competent and graceful little volume.

Industrial Relations in Canada. By Stuart Jamieson. (Ithaca: Cornell University Press. 1957. Pp. ix, 144. $1.75.)

Here is a well written and interesting study of the structure of Canadian trade unionism. It is offered by the Cornell University Press as the first of a series of publications devoted to trade union movements and industrial relations outside the United States. This first brief volume properly draws attention to the differences between the United States and Canada and to the impact of the former on the latter in this field. In addition, it describes the unique social and economic setting of the Canadian labor movement, recounts the history of trade unionism, and describes the main lines of government policy towards labor-management relations. A competent and useful little book.

A History of Hungary, 1929–1945. By C. A. Macartney. (New York: Frederick A. Praeger. 1957. 2 vols. Pp. xvi, 494, 519. $20.00.)

This superbly written work actually covers the entire Horthy régime and is undoubtedly the most substantial history of the period in any language. The author's knowledge of Hungary's complex political and diplomatic history is truly impressive; his sources contain a wealth of unprinted material, some of which will never be available again. The approach, however, is uneven: until 1929 it is broad, embracing social and economic (though hardly ever cultural) factors, but when at the middle of the first volume the actual story begins, the scope narrows gradually to a minute account of diplomatic history, while domestic developments are less satisfactorily treated. The admirably objective judgment that characterized the writer's earlier works on the Danube area and on national minority problems has received a few serious jolts in this work. Some of his highly perceptive portraits of leading politicians may remain unequalled; others suffer from obvious bias. The same unevenness appears in his evaluation of certain political groups and situations. Nor can he quite conceal his bitterness over the Western powers' treatment of Hungary before, and particularly during, the second World War. For the political scientist Professor Macartney offers, however, a variety of valuable raw material. His story is a warning to the student of diplomacy who is often inclined to see nothing but the most obvious relationships among the great powers and, therefore, tends to classify the smaller nations as either satellites or neutrals. Moreover, the book provides the student of comparative government (and even of political theory) with a variety of examples in which traditionalist authoritarianism, a constitutional parliamentary system, and typical forms of modern totalitarianism are mixed and blended.

The Habsburg Empire: A Study in Integration and Disintegration. By Robert A. Kann. (New York: Frederick A. Praeger. 1957. Pp. xii, 227. $5.00.)

This concise monograph was one of several historical case studies designed to lead to some of the conclusions of a study group that the Center for Research on World Political Institutions assembled in Princeton several years ago. The first results of this general inquiry appeared in a volume entitled *Political Community and the North Atlantic Area* by Karl W. Deutsch *et al.* (reviewed in this issue, pp. 531–33) Professor Kann's study not only draws liberally on his own comprehensive work (*The Multinational Empire: Nationalism and National Reform in the Habsburg Monarchy*), but also—as he acknowledges—is stimulated by Oscar Jászi's noted *Dissolution of the Habsburg Monarchy* (Chicago, 1929), even though the latter's "centripetal" and "centrifugal" forces are evaluated with different results. It is the author's contention that since the Habsburg monarchy was, through its whole history, marked by "imperfect amalgamation" (e.g., it never developed a "supranational Austrian man" or a "supranational idea," but merely "certain similar attitudes, habits and reactions"), political *laissez-faire* between forces of integration and disintegration became actually a vital condition of the longevity of this "association of more or less non-homogeneous historic political entities under one ruling house." Therefore, Professor Kann believes that radical reform of the empire's structure might have led to its dissolution, even if no World War had broken out. The study is of considerable interest for students of nationalism and federalism.

The Hungarian Situation and the Rule of Law. DOCUMENTS PUBLISHED BY THE INTERNATIONAL COMMISSION OF JURISTS. (The Hague: International Commission of Jurists. 1957. Pp. 144.)

A private international association of distinguished jurists presents resolutions, statements, and documents illuminating the legal aspects of events related to the Hungarian uprising. The Commission is concerned not only with violations of international law, but also with civil rights and the Rule of Law in general. The volume contains a resolution protesting against the system of summary trials instituted in Hungary in November, 1956, a carefully drafted statement that identifies Soviet actions as "intervention" under international law, and a number of expert opinions and documents supporting this finding. The entire material, presented in March, 1957, to the UN Special Committee on the Problem of Hungary by Sir Hartley Shawcross, may serve as a legal complement to the Committee's well known report.

The Hungarian Revolution: The Story of the October Uprising as Recorded in Documents, Dispatches, Eye-Witness Accounts, and World-Wide Reactions. EDITED BY MELVIN J. LASKY, WITH AN INTRODUCTION BY HUGH SETON-WATSON AND AN EPILOGUE BY FRANÇOIS BONDY. (New York: Frederick A. Praeger for the Congress for Cultural Freedom. 1957. Pp. 318. $5.00.)

Edited by a sophisticated and knowledgeable newspaperman, this "White Book" presents the story of the uprising in Hungary in October and November 1956 as documented in dispatches by Hungarian and foreign newspaper correspondents, eye-witness accounts, and radio broadcasts. It is the most comprehensive and complete collection of material on this dramatic event yet published, more complete than the report of the UN Special Committee. A vivid chronological sequence of events unfolds itself, illustrated by photographs and illuminated by cartoons and interpretative remarks by Hungarian and foreign observers. The volume has been heralded as an innovation in historical documentation that will save future historians much laborious research. The consistency of the picture that emerged from accounts of observers of widely differing backgrounds and political convictions is remarkable. Seton-Watson's concise sketch of Hungarian developments since the first World War, which serves as an introduction, is a masterpiece of precision and balanced judgment. He also suggests certain lessons the Hungarian revolution presents to students of Communism and Totalitarianism.

Les élections belges, explication de la répartition géographique des suffrages. BY ROGER E. DE SMET AND RENÉ EVALENKO. (Brussels: Institut de Sociologie Solvay, Université Libre de Bruxelles. 1956. Pp. 176, plus a separate "annexe" of tables and maps. 325 francs belges.)

This work is different in character from the accounts of British general elections published under similar titles. It is a study of the elections of 1950 and 1954, which relates their results to the social and religious structure of the country; and these two elections were indeed chosen because of the close similarity of their results. Such topics as public opinion, election campaigns, and newspapers find no place in such an investigation. The detail in which the results are presented is truly impressive, and the methodology includes several points of significance to the psephologist. The less specialized student may however be disappointed to find that such an exhaustive enquiry yields as its first conclusion that "in proportion as the ratio of the group (workers plus employees) to the population increases, the electoral results of the parties of the Left (P.S.B. and P.C.) tend to improve."

Adenauer and the New Germany: The Chancellor of the Vanquished. BY EDGAR ALEXANDER. (New York: Farrar, Straus and Cudahy. 1957. Pp. xviii, 300. $5.25.)

This is a defense of Adenauer's policies, by a Catholic writer, against the criticisms of his German opponents, particularly the SPD. Translated from the German, it makes free use of such concepts as "ideopolitical" and "sociobiographical." The author provides a background to Adenauer's leadership by describing the unique character of the Weimar and Nazi régimes: he argues that reconstruction of Germany in alliance with the West was the only practical policy to pursue after 1945; but he defends this policy most strongly on grounds of political morality, as he defends Adenauer as a man of humanity and conscience.

Ceylon and Her Citizens. By I. D. S. and M. I. Weerawardana. (New York and London: Oxford University Press. 1956. Pp. vii, 272. $1.20.)

The problems encountered by countries of the non-Western world in an effort to apply to their own conditions the institutions and practices of Western European democracy are among the most important political considerations of the world today. The writers aim to present a picture of democracy in Ceylon from a Ceylonese point of view. They describe in some detail the political, social, and economic institutions of their country and suggest some of the most important sources of political conflict within it. They also attempt to show how Ceylonese institutions differ in practice from what might be called the classical British Parliamentary model. It is unfortunate that the traditional categories of institutional analysis are adhered to so rigidly, for they fail to convey any sense of the dynamic nature of the political process. Furthermore, the authors' style, while perhaps appropriate for an elementary textbook (the book is intended to meet the needs of persons preparing for the Ceylonese Civil Service Examination), is exceedingly pedestrian and sadly inappropriate to such an exciting subject.

A Study of current bibliographies of national official publications. Short guide and inventory. Compiled by the International Committee for Social Sciences Documentation. Edited by Jean Meyriat. (Paris: UNESCO. 1958. Pp. 260. UNESCO Bibliographical handbooks, 7. $3.00.)

Since for current national official publications there is in most countries the "least amount of regular, sure bibliographical control," UNESCO entrusted a survey of the situation to the International Committee for Social Sciences Documentation several years ago. An inventory of the situation was made country by country. So far as possible, a statement is given under each country of printing and publication, of lists and bibliographies, and of the kinds of official publications. The official gazette or its equivalent, parliamentary publications, administrative publications (with particular notice of the form of publication of treaties), judicial publications, and others are described. The inventories for France and for Great Britain are unusually full. The inventories are for the most part in French; those for the English speaking countries, in English.—J.B.C.

Der Wahl zum 3. deutschen Bundestag am 15. September 1957. Heft I: Allgemeine Wahlergebnisse nach Ländern und Wahlkreisen. By the Statistisches Bundesamt. (Stuttgart: W. Kohlhammer Verlag. 1957. Pp. 97, fold. map "Wahlkreise." Statistik der Bundesrepublik Deutschland, Band 200.)

The general tables of the report on the Bundestag elections are to be followed early in 1958 by a second part with statistics by sex and age, and then by a third part with text and with tables by cities and Landkreise. Reports on the elections to the Bundestag in 1949 and 1953 appeared as vols. 10 and 100 of the *Statistik der Bundesrepublik Deutschland.*—J.B.C.

Zur Geschichte der Ordnungspolizei, 1936–1945. By H. J. Neufeldt, J. Huck, and G. Tessin. (Koblenz: Bundesarchiv. 1957. Pp. xv, 144, 110. DM 12.00.)

The third volume of the *Schriften* of the Bundesarchiv of the Federal Republic of Germany contains three contributions to the history of a very notable institution of the Nazi regime.—J.B.C.

Ministerium für Staatssicherheit: Aufbau und Arbeitsweise. (Berlin-Nikolassee: Kampfgruppe gegen Unmenschlichkeit. 1957. Pp. 26.)

The present organization and activities of the Red Gestapo in the Democratic Republic of Germany are rather carefully outlined by a group from the West. Two folding charts accompanying it give the outline of the Ministry and of its organization at the Bezirk and Kreis level.—J.B.C.

India: A Reference Annual, 1957. Compiled by the Research and Reference Divi-

SION, MINISTRY OF INFORMATION AND BROADCASTING, GOVERNMENT OF INDIA. (New Delhi: Publications Division, Ministry of Information and Broadcasting. 1957. Pp. 664. $2.00.)

The reference manual is of peculiar importance as reflecting the changes made by the States Reorganization Act late in 1956.—J.B.C.

Chronologische Materialien zur Geschichte der SED. (Berlin-Schlachtensee, Informationsbüro West, 1956. Pp. 637. Dokumentation des Informationsbüro West. DM 15.)

The chronological collection of documentary material relating to the *Sozialistische Einheitspartei Deutschlands* makes it possible for the first time to gain an understanding of the development of the controlling force in Eastern Germany. The organic acts of the SED of 1946, 1950, and 1954 are reproduced in the Appendix. The list of the sources utilized extends to two pages. There is a detailed index.—J.B.C.

SELECTED ARTICLES AND DOCUMENTS ON
FOREIGN AND COMPARATIVE GOVERNMENT

HIRAM M. STOUT
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General

Braband, R. Liability in Tort of the Government and its Employees: a Comparative Analysis with Emphasis on German Law. *New York University Law Review.* January, 1958.

Braunthal, J. Reflections on the Destiny of Socialism. *India Quarterly.* July–September, 1957.

Davis, K. The Political Impact of New Population Trends. *Foreign Affairs.* January, 1958.

Kriesberg, M. Senior Civil Servants and the Teaching of Public Administration in Under-Developed Countries. *International Review of Administrative Sciences.* No. 3, 1957.

Shils, E. Intellectuals, Public Opinion, and Economic Development. *World Politics.* January, 1958.

Shull, C. W. Le Scelte Possibili nella Formazione dei Corpi Legislativi. *Il Politico.* December, 1957.

Subramaniam, V. Graduates in the Public Services. A Comparative Study of Attitudes. *Public Administration.* Winter, 1957.

Talloen, L. En Torno a la Administración del Personal. *International Review of Administrative Sciences.* No. 3, 1957.

United Kingdom and Commonwealth

Administrative Justice; a Comment on the Franks Report. *Round Table.* December, 1957.

Catlin, G. The House of Lords. *Contemporary Review.* January, 1958.

Clark, T. F. Do We Need Government Information Services? *Public Administration.* Winter, 1957.

Fiechtheim, O. K. Das Britische und das Amerikanische Parteisystem—ein Vergleich. *Aussenpolitik.* December, 1957.

Finer, S. E. Transport Interests and the Roads Lobby. *The Political Quarterly.* January–March, 1958.

The Growth of Government. *Political and Economic Planning.* December 16, 1957.

Gwen Jones, E. and Nevin, E. The British National Debt: Part II. *Economica.* November, 1957.

Holtzoff, A. Expeditious, Efficient Justice: Observations on English Appellate Procedure. *American Bar Association Journal.* March, 1958.

Marshall, G. The Franks Report on Administrative Tribunals and Enquiries. *Public Administration.* Winter, 1957.

McKenzie, R. T. Parties, Pressure Groups and the British Political Process. *The Political Quarterly.* January–March, 1958.

Picton, G. Whitley Councils in the Health Services. *Public Administration.* Winter, 1957.

Potter, A. Attitude Groups. *The Political Quarterly.* January–March, 1958.

Prevezer, S. An Historical Summary of the English Juvenile Court System and an Assessment of Certain of its Features in the Light of American Practice. *Wayne Law Review.* Winter, 1957.

Self, P. and Storing, H. The Farmers and the State. *The Political Quarterly*. January–March, 1958.

Strauss, G. R. Pressure Groups I Have Known. *The Political Quarterly*. January–March, 1958.

Taylor, A. J. P. A Look Back at British Socialism 1922–1937. *Encounter*. March, 1958.

Tivey, L. and Wohlgemuth, E. Trade Associations as Interest Groups. *The Political Quarterly*. January–March, 1958.

Wooton, G. Ex-Servicemen in Politics. *The Political Quarterly*. January–March, 1958.

Western Europe

Adenauer the European; Aftermath of the German Elections. *Round Table*. December, 1957.

Artajo, Alberte M. The Reform of the Spanish Cortes. *America*. January 11, 1958.

Aubery, P. Jewish Attitudes in French Politics. *South Atlantic Quarterly*. Winter, 1958.

Barnouin, J. L'Armée Française Face à la Politique: de la IIIe à la IVe République. *Forces Aériennes Françaises*. February, 1958.

Belgion, M. French Nationalism To-day. *Quarterly Review*. January, 1958.

Camy, P. L'Organisation Administrative des Services Économiques au Grand-Duche de Luxembourg. *International Review of Administrative Sciences*. No. 3, 1957.

Cotteret, J.-M. and Emeri, C. Essai de Représentation des Forces Politiques. *Revue Française de Science Politique*. July–September, 1957.

Créac'h, J. Comment le Général Franco Prit le Pouvoir. *Revue des Deux Mondes*. February 1, 1958.

Dogan, M. and Campbell, P. Le Personnel Ministériel en France et en Grande—Bretagne (1945–1957). *Revue Française de Science Politique*. October–December, 1957.

Fanfani, A. Italian Democracy Faces Another Test. *Foreign Affairs*. April, 1958.

Feral, B. Les Institutions Démocratiques dans l'Armée de la République Fédérale Allemande. *Revue de D fense Nationale*. February, 1958.

Fusilier, R. Norvège: Les Élections Législative. *Revue du Droit Public et de la Science Politique*. November–December, 1957.

Giradet, R. L'Héritage de l' "Action Française." *Revue Française de Science Politique*. October–December, 1957.

Grosser, A. Le Plébiscite du 15 September 1957. *Revue Française de Science Politique*. October–December, 1957.

Heidenheimer, A. J. La Structure Confessionnelle Sociale et Régionale de la C. D. U. *Revue Française de Science Politique*. July–September, 1957.

Houin, R. The Method of Reform of the French Codes of Private Law. *Tulane Law Review*. December, 1957.

King, J. E., Jr. The German Elections of 1957. *SAIS Review*. Winter, 1958.

MacCormac, J. The Improbable Coalition that Governs Austria. *Reporter*. January 23, 1958.

Mast, A. Belgique: Une Constitution du Temps de Louis-Philippe. *Revue du Droit Public et de la Science Politique*. November–December, 1957.

Mathiot, A. Il Presidente del Consiglio in Francia. *Il Politico*. December, 1957.

Meynaud, J. Les Groupes d'Intérêt et l'Administration en France. *Revue Française de Science Politique*. July–September, 1957.

Meyriat, J. Le Portugal depuis la Seconde Guerre Mondiale. *Revue Française de Science Politique*. July–September, 1957.

Olmsted, M. S. Communism in Iceland. *Foreign Affairs*. January, 1958.

Ortiz Diaz, J. La Nueva Ley Española de la Jurisdicción Contencioso-administrativa. *International Review of Administrative Sciences*. No. 3, 1957.

Padelford, N. J. Regional Cooperation in Scandinavia. *International Organization*. Autumn, 1957.

Police Personnel and Services. *Italian Affairs*. November, 1957.

Price, J. W. Education and the Civil Service in Europe. *Western Political Quarterly*. December, 1957.

Prittie, T. Dr. Adenauer's New Government and its Problems. *Parliamentary Affairs*. Winter, 1957–58.

Pryce, R. The Italian Local Elections 1956. St. Antony's Papers No. 3. London, 1957.

Ritter, G. The Military and Politics in Germany. *Journal of Central European Affairs*. October, 1957.

Robin, M. Le Système Electoral de la République Fédérale Allemande. *Revue Française de Science Politique*. October–December, 1957.

Solages, J. de. Le Système Fédéral de Bonn. *Documents*. January–February, 1958.

Thorsen, S. How Denmark Has Placed the People Above Parliament. *Parliamentary Affairs*. Winter, 1957–58.

Waline, M. Les Concours de Recrutement

de la Fonction Publique, en Droti Français. *International Review of Administrative Sciences.* No. 3, 1957.

Wertheimer, R. G. Tax Incentives in Germany. *National Tax Journal.* December, 1957.

Williams, P. M. Compromise and Crisis in French Politics. *Political Science Quarterly.* September, 1957.

Soviet Union and Eastern Europe

Baritz, J. J. The Organization and Administration of the Soviet Armament Industry. *Bulletin of the Institute for the Study of the USSR.* November, 1957.

Bialer, S. The Origins of Gomulkaism. *The New Leader.* January 6, 1958.

Birnbaum, I. Whither Tito? *Problems of Communism.* January–February, 1958.

Chabanier, J. La "Destalinisation" dans les Républiques Baltiques. *Revue de D'fense Nationale.* January, 1958.

Chamberlin, W. H. Forty Years of Soviet Communism. *Russian Review.* January, 1958.

Churchward, L. G. Continuity and Change in Soviet Local Government, 1947–1957. *Soviet Studies.* January, 1958.

Cinera, E. C. La Vie Politique et les Partis en Roumanie Après la Seconde Guerre Mondiale. *Revue Française de Science Politique.* October–December, 1957.

Dinerstein, H. S. The Revolution in Soviet Strategic Thinking. *Foreign Affairs.* January, 1958.

Fainsod, M. The Party in the Post-Stalin Era. *Problems of Communism.* January–February, 1958.

Fejtö, F. Trade Unionism in Eastern Europe: The Conflict between Working-Class Ties and the Single Party. *International Affairs.* October, 1957.

Frei, O. Regime and People in the DDR. *Swiss Review of World Affairs.* January, 1958.

Gellner, J. Spiritual Forces and Revolution in Eastern Europe. *United States Naval Institute Proceedings.* January, 1958.

Gomulka on Soviet and Polish Ways to Socialism. *The Current Digest of the Soviet Press.* December 11, 1957.

Gulick, C. A. and Wolfson, M. After Hungary: Review and Prospects of Democratic Socialism in Europe. *Western Political Quarterly.* December, 1957.

Hazard, J. M. Laws and Men in Soviet Society. *Foreign Affairs.* January, 1958.

Hikl, M. The Penal Codes in Communist Czeckoslovakia. The Czeckoslovak Foreign Institute in Exile, Toronto, 1957.

Kautsky, B. Kommunismus und Nationale Frage. *Der Donauraum.* No. 3–4, 1957.

Khrushchev's Anniversary Report to Supreme Soviet. *The Current Digest of the Soviet Press.* December 18, 1957.

Kiralfy, A. K. R. The Campaign for Legality in the U.S.S.R. *International and Comparative Law Quarterly.* October, 1957.

Kiraly, B. Hungary's Army under the Soviets. *East Europe.* March, 1958.

Koch, H. A-Stalinismus und Neo-Stalinismus in den Europäischen Volksdemokratien. *Osteuropa.* December, 1957.

Laskovsky, N. Reflection on Soviet Industrial Reorganization. *American Slavic and East European Review.* February, 1958.

Long, J. F. L. Khrushchev and the Struggle for Power in the U.S.S.R. *Air Power.* Winter, 1957–58.

Marczewski, J. Die Neugestaltung der Wirtschaftsplanung und -verwaltung in der Sowjetunion. *Europa Archiv.* November 20, 1957.

Schmid, P. Bulgarian Impressions. *Commentary.* December, 1957.

Schwartz, H. Stalin and Stalinism Five Years After. *The New York Times Magazine.* March 2, 1958.

Shub, B. The Paradox of Soviet Power. *The New Leader.* December 30, 1957.

Stjepanovic, N. La Réforme du Conseil Exécutif Fédéral de Yougoslavie. *International Review of Administrative Sciences.* No. 3, 1957.

Towster, J. Changing Russian Politics. *Current History.* January, 1958.

Middle East and Africa

Anglin, D. G. Whither Ghana? *International Journal.* Winter, 1957–58.

Arden-Clarke, C. Gold Coast into Ghana; Some Problems of Transition. *International Affairs.* January, 1958.

Beidart, B. The South African Senate. *Modern Law Review.* November, 1957.

Carter, G. M. The Commonwealth in Africa. Toronto, Canadian Institute of International Affairs. No. 1, February, 1958.

Castagno, A. Education and Political Evolution in an African Society. *Institute of International Education News Bulletin.* February, 1958.

Galbraith, J. S. Britain's Problem Territories in Southern Africa. *World Affairs Quarterly.* January, 1958.

Gardinier, D. French Equatorial Africa. *Current History.* February, 1958.

Glimpse of Eurafrica. *The Economist.* January 25, 1958.

Hahn, L. Last Chance in North Africa. *Foreign Affairs.* January, 1958.

Hodgkin, T. France and the Maghreb. *Current History.* February, 1958.

Horner, G. R. Togo and the Cameroon. *Current History.* February, 1958.

Irvine, K. French Rule in Africa. *Current History.* February, 1958.

Kelly, J. B. Sovereignty and Jurisdiction in Eastern Arabia. *International Affairs.* January, 1958.

Lewis, W. H. Islam: A Rising Tide in Tropical Africa. *The Review of Politics.* October, 1957.

Leys, C. An Election in Nyasaland. *Political Studies.* October, 1957.

Massigli, R. New Conceptions of French Policy in Tropical Africa. *International Affairs.* October, 1957.

Morris, J. The Two Arab Worlds: Pashas and People. *The New York Times Magazine.* March 2, 1958.

Painter, L. K. Madagascar: Sixty Years of French Control. *Current History.* February, 1958.

Plunkett, L. The Histadrut: The General Federation of Jewish Labor in Israel. *Industrial and Labor Relations Review.* January, 1958.

Posenne, S. The Constitutional and Legal System of Israel. Israel Office of Information, New York, 1957.

Quermonne, J-L. Les Perspectives Institutionnelles de la Décolonisation en Algérie. *Revue Française de Science Politique.* July–September, 1957.

Quigley, C. French West Africa. *Current History.* February, 1958.

Race in British Africa; the Federation and Its Neighbors. *Round Table.* December, 1957.

Safran, N. The Abolition of the Shar 'Ī Courts in Egypt. I. *The Muslim World.* January, 1958.

South and Southeast Asia

Binder, L. Pakistan and Modern Islamic-Nationalist Theory. Part I. *The Middle East Journal.* Autumn, 1957.

Chateauvieux, P. Problèmes Économiques, Politiques et Militaires de l'Inde. *Revue de Défense Nationale.* January, 1958.

Choudhury, G. W. Parliamentary Government in Pakistan. *Parliamentary Affairs.* Winter, 1957–58.

Croizat, V. J. Vietnam in Review. *Marine Corps Gazette.* January, 1958.

Fisher, M. J. The Supreme Court of India and Judicial Review. *Syracuse Law Review.* Fall, 1957.

Hatta, M. Indonesia Between the Power Blocs. *Foreign Affairs.* April, 1958.

Jumper R. Problems of Public Administration in South Viet Nam. *Far Eastern Survey.* December, 1957.

Legge, J. D. Central Supervision and Local Government in Indonesia. *Australian Journal of Politics and History.* November, 1957.

Moraes, F. Gandhi Ten Years After. *Foreign Affairs.* January, 1958.

Mason, J. B. Will Thailand Shift Its Course? *Foreign Policy Bulletin.* December 1, 1957.

Nepal's Birth Pangs of Democracy. *Eastern World.* January, 1958.

Perspective of Burma. *Atlantic Monthly.* February, 1958.

Pictrow, P. T. Indonesian Crisis. Editorial Research Reports, Washington, 1958.

Tripathi, P. K. Free Speech in the Indian Constitution: Background and Prospect. *Yale Law Journal.* January, 1958.

van der Kroef, J. M. The Trials of Indonesian Democracy. *Review of Politics.* January, 1958.

Far East

Austria, Q. E. Historical Background and Implementation of the Reorganization Plans of 1955–1956 [The Philippines]. *International Review of Administrative Sciences.* No. 3, 1957.

Brett, C. C. The Japanese Prefectural Legislature: Western Models—Oriental Adaptations. *Parliamentary Affairs.* Winter, 1957–58.

Dionisopoulous, P. A. Revisionist Tendencies in Post-occupation Japan. *Western Political Quarterly.* December, 1957.

Houn, F. W. Motion Pictures and Propaganda in Communist China. *Journalism Quarterly.* Fall, 1957.

Japan's Second Century. *The Economist.* March 8, 1958.

Lequiller, J. and Tistié, P. Le Japon depuis 1945. État des Travaux. *Revue Française de Science Politique.* October–December, 1957.

Mendel, D. H., Jr. The Japanese Voter and Political Action. *Western Political Quarterly.* December, 1957.

Research and Legislative Reference Department: Outline of Its Organization and Functions. Tokyo, National Diet Library, 1957.

Wang, Y. C. The Intelligensia in Changing China. *Foreign Affairs.* January, 1958.

Wurfel, D. Philippine Agrarian Reform under Magsaysay. *Far Eastern Survey.* January, 1958.

Zimmerman, V. B., Kroeger, L. J., Stene, E. O. Comments on "Performance Budgeting in the Philippines." *Public Administration Review.* Winter, 1958.

Australia and New Zealand

Condliffe, J. B. New Zealand's Experiment in Economic Planning. *The American Economic Review.* December, 1957.

Price, C. A. The Effects of Post-war Immigration on the Growth of Population, Ethnic Composition and Religious Structure of Australia. *Australian Quarterly.* December, 1957.

Sykes, E. I. Labor Regulation by Courts: the Australian Experience: *Northwestern University Law Review.* September–October, 1957.

Canada

Barkway, M. Canada Rediscovers Its History. *Foreign Affairs.* April, 1958.

Beck, J. M. The Election of 1957 and the Canadian Electoral System. *Dalhousie Review.* Winter, 1958.

Canadian Election in Retrospect. *Queen's Quarterly.* Winter, 1958.

Goodspeed, D. J. The Canadian Revolution —the Bourgeoise versus Marx. *Queen's Quarterly.* Winter, 1958.

Heeney, A. D. P. The Civil Service of Canada. *Public Personnel Review.* January, 1958.

Hodgetts, J. E. The Civil Service and Policy Formation. *The Canadian Journal of Economics and Political Science.* November, 1957.

Oliver, M. Quebec and Canadian Democracy. *The Canadian Journal of Economics and Political Science.* November, 1957.

Owen, J. E. Social Welfare in Canada. *Social Science.* January, 1958.

Thorburn, H. G. Parliament and Policy-making: The Case of the Trans-Canada Gas Pipeline. *The Canadian Journal of Economics and Political Science.* November, 1957.

Vallee, F. G., Schwartz, M., and Darknell, F. Ethnic Assimilation and Differentiation in Canada. *The Canadian Journal of Economics and Political Science.* November, 1957.

Latin America and West Indies

Alexander, R. J. State versus Private Enterprise in Latin America. *Journal of Economics and Sociology.* January, 1958.

Bouscaren, A. T. Guatemala in Transition. *World Affairs.* Winter, 1957.

Brady, A. The West Indies; a New Federation. Toronto, Canadian Institute of International Affairs, 1957.

Carrillo Flores, A. Mexico Forges Ahead. *Foreign Affairs.* April, 1958.

Froomkin, J. Some Problems of Tax Policy in Latin America. *National Tax Journal.* December, 1957.

Landau, G. D. and Kilmer, E. B. School for Diplomats. *Americas.* March, 1958.

L'Évolution de l'Argentine de Septembre 1955 à Mai 1957. *Chronique de Politique Étrangère.* January, 1958.

Matthews, H. L. New Era in Venezuela. *Foreign Policy Bulletin.* March 1, 1958.

The Netherlands Antilles; their Geography, History, and Political, Economic and Social Development. Curacao, Government Information Service, 1957.

Szulc, T. The Peron Drama: Another Act Opens. *The New York Times Magazine.* March 9, 1958.

Tomic, R. Latin America: A Continent in Crisis. *India Quarterly.* July–September, 1957.

Washington, S. W. Mexican Resistance to Communism. *Foreign Affairs.* April, 1958.

The West Indies a Nation in the Making. New York, British Information Services, 1957. (I.D. 1282).

INTERNATIONAL LAW AND RELATIONS

In Defence of Colonies: British Colonial Territories in International Affairs. By Sir Alan Burns. (London: George Allen and Unwin; New York: The Macmillan Company. 1957. Pp. 338. $5.75.)

Recent years of colonial disintegration and the rise of new states, combined with the widespread appeal of anti-colonial attacks, must be difficult to endure for persons whose lives have been dedicated to a colonial service. Even those who sympathize with the great "revolution of rising expectations" which now touches more than half the world's people, must feel that much good that came to colonial territories is being overlooked or blindly denied in the present period of intensive political reform. It is to the credit especially of the British people that the revolt against their colonial system has been broadly understood and met by a constructive policy that reflects more enlightenment than has been shown in the policies of most other colonial powers.

This book summarizes attacks upon British colonialism, both within and outside colonial territories, and provides a series of notes on the propriety of claims made for remaining territories of the Empire. The title is misleading. The author is concerned primarily with British colonies and not colonies in general; he is concerned with justifying British colonial administration rather than with an objective analysis of the colonial system.

Actually, the book breathes resentment against those loose attacks upon colonial administration that overlook historical developments and in particular, fail to realize that worldwide events forced recognition of independence at a pace far more rapid than a prudent and reasonable plan might have advised. It points out rightly that much of the anti-colonial sentiment today is of a latter-day variety and that the whole blame does not rest upon the British government for the contrast between accepted aspirations of economically underdeveloped countries and actual conditions in colonial territories.

As Her Majesty's former representative in the United Nations Trusteeship Council, Sir Alan undoubtedly sat through a good many sessions in which anti-colonial protest and abuse were poured out and partly directed toward the United Kingdom. The sources have been ex-colonial territories but also other powers, including notably the USSR.

Unfortunately, the author's arguments are too near the level of merely denying to the pot the privilege of calling the kettle black and of merely reasserting well known facts about the considerable wisdom and occasional genius shown in British colonial administration. He could have made a far greater contribution by a more dispassionate appraisal of the colonial system and administration by the British government in the broader perspective of history. With this he might with profit have combined an analysis of some of the reasons why the evolution from colonial status to independence and the attendant demand for more rapid economic development have been so intense within the past ten years. Such an analysis would have revealed, objectively, some of the defenses that can readily be made of parts of British colonialism. It would have made unnecessary the seeming wholesale defense of British colonialism, the labored argument that other powers have not done notably better, and the ultra-conservative protest against the current concern of nations to move more rapidly through the United Nations toward the goals of independence.—Walter H. C. Laves, *Indiana University*.

Control of Foreign Relations in Modern Nations. Edited by Philip W. Buck and Martin B. Travis, Jr. (New York: W. W. Norton and Company. 1957. Pp. xiv, 865. $6.75.)

This volume brings together chapters on the conduct and content of foreign policy in the United States (by Martin B. Travis), Latin America (Luis Quintanilla, Ambassador of Mexico to O.A.S.), the United Kingdom (Philip W. Buck), the Four Original Dominions in the Commonwealth of Nations, Canada, Australia, New Zealand, and South Africa (J. D. B. Miller), the Asian Members of the Commonwealth, India, Pakistan, and Ceylon (Arthur C. Turner), France (Graham H. Stuart), the Netherlands (Manfred C. Vernon), U.S.S.R. (David Cattell), and Japan (James T. Watkins IV and Kazuo Kawai). Professor Quincy Wright provides an introductory and a concluding chapter.

Three observations ought to be made about this substantial effort to give as complete a picture as possible of the foreign policy process in modern nation states. First, the various sections of the volume demonstrate, again and again, how little we know about the essentials of the foreign affairs policy-making process in many, if not in most, countries today. To be sure, for some of the countries we have considerable information about the structure of the foreign office, the ostensible relations between the foreign affairs committee of the legislature and the foreign minister, or the influence of socio-economic groups on foreign policy decisions; we also have, from our theorists of international relations, a considerable amount of conceptualization about "elements of national power." But the "why" of a country's foreign policy, that is to say, the connection between the various "factors" of national strength, national character, etc., and the "policy" remains obscure. Next, the total effect conveyed by these nine studies is to underscore the absence of popular or often of any outside check on foreign policy formulation and execution in most countries. Chief executives and the permanent staffs of foreign offices seem to have the field substantially to themselves. Finally, the contrast between foreign policy conduct in the United States and in Britain and the Commonwealth as it emerges in the sections written by Professors Travis, Buck, Miller, and Turner, confirms the usual opinion that cabinet government on the

British model is more efficient than the presidential system.

The authors and editors have shown excellent judgment by providing considerable background material for those countries where American readers need help—as in the case of the Asiatic dominions and Japan. On the other hand, Professor Travis' background chapter on American foreign policy will probably be too short and skeletal for non-American readers and almost superfluous for American ones.

The lack of information about the foreign policy process is especially apparent in the case of Latin America—even for a person as familiar with the area as the Mexican ambassador to O.A.S. One wonders whether the Foreign Service Institute or the Secretary of State himself could not encourage members of our Foreign Service to make available more knowledge about their opposite numbers in these countries. This should be possible without revealing classified information or violating the confidence of the foreign service establishments of other countries.

The best-written sections of the book are those on Britain and the Commonwealth by Professors Buck, Miller, and Turner. The social background of Japanese foreign policy comes to life vividly in the chapters by Professors Watkins and Kawai. Professor Cattell's section on Russia is uneven, but his discussion of recent Russian foreign policy is one of the best in the book. Professor Vernon provides nice insight into Dutch policy formulation. It appears from his analysis that the Dutch legislature is more inquisitive and takes a more active part in foreign affairs than is the case in most other countries with a cabinet form of government.

One major question should be raised concerning the title and scope of the work itself. The word "control" in the title leads one to expect a work that deals only with the process of foreign policy formulation and execution and with the struggles surrounding the attempts to control the process. Actually, the various sections present the "content" of foreign policy in addition to the "process." I believe that in doing this the authors have attempted to do both too much and not enough. Too much, by trying to cover both "content" and "process;" not enough, because in many instances only patient field work would reveal what we would like to know. However, given the present state of knowledge and the condition of our discipline, the editors and authors have done their job well.—ALFRED DIAMANT, *University of Florida.*

International Civil Aviation Organization. BY CAPTAIN JACOB SCHENKMAN. (Geneva: Librairie E. Droz. 1955. Pp. vii, 410. 40 fr.)

Captain Schenkman's doctoral dissertation on the ICAO reminds us that the deliberations of the United Nations Security Council and General Assembly may not be all or even the essence of contemporary international organization. Issues before the UN undeniably loom larger in their consequences for war and peace than issues of air travel. The significance of the specialized agency, for our understanding of international organization, lies not in what it regulates but in the nature of its special authority. Whereas the Security Council is essentially a facility for multinational diplomacy, the ICAO is a more mature kind of international organization, going beyond diplomatic consultation on policies into the realm of administration and enforcement. The specialized agency operates in a sphere where a greater sense of international community has developed, where nations acknowledge that they can reap the full benefits of scientific advances *only* through the joint action made possible by international organization. As Captain Schenkman observes, "The absolute necessity of international cooperation in this industry [aviation] forms a dynamic creative element in ICAO's work" (p. 252). Scientific advances in thermonuclear energy and ballistic missiles may even now be producing this kind of element, thereby creating demands for international organization more akin to the specialized agency than to the UN.

This primarily historical and descriptive monograph suggests that the impact of science on international collaboration may be delayed. After the Wrights' discoveries, several decades elapsed before the urgency of regulating aviation through international organization was acknowledged. Even then, the urge to collaborate had limits. The nations desired in common to assure the safety of air travel and accordingly designated ICAO the agency to establish safety standards and facilities. Beyond that, they disagreed. The United Kingdom led the countries that favored such broad authority for ICAO as the power to allocate commercial air traffic among the members by quotas and schedules. The United States led those that refused to relinquish sovereign rights to their skies through a multilateral agreement, to open their airports to the commercial traffic of all nations, and to empower ICAO to regulate it. However, they undertook to regulate sky sovereignty and traffic through bilateral agreements. Captain Schenkman does not acknowledge that these bilateral agreements—as the negotiations under the General Agreement on Tariffs and Trade amply demonstrate—contribute to international order. "The choice is between discriminatory bilateralism which is wrong and liberal multilateralism which is right" (p. 318). His quite understandable commitment to ICAO militates against the kind of analysis ICAO well makes possible, encompassing the factors that affect the development of a sense of international community, the extent to which it has developed, how it is manifested, and its consequences for the work of ICAO as well as for other forms of international organization.

The official ICAO records, which served the author as his "primary source of research," do not reveal the forces within a nation that influence government policy toward ICAO, nor how a government functions within ICAO to have its policy prevail. The book gives no data, e.g., on the comparative strength of aircraft industries and airlines in member countries or on the membership and operations of national delegations to ICAO. We obtain only a glimpse of a unique feature of ICAO, particularly significant to those interested in international organization. ICAO has power to make decisions on aviation standards through a process that does not require specific majority approval but relies on tacit acquiescence by the members; the members appear to comply with these decisions. How the decisions actually are made, the respective roles of the technical experts and the political representatives in their making, the nature of the compromises reached, the methods of determining compliance—few of these fascinating aspects of international organization are more than mentioned.

Failure to identify fully the ICAO processes through use of broader source materials leads the author to regard ICAO as a "technical" agency divorced from "politics." He criticizes the ICAO Council for being a "political body" of government representatives, "directed primarily by national interests and political motives" (p. 158), rather than technical experts. He concludes that Peiping's representatives should replace Formosa's "precisely because of its [ICAO's] technical and specialized functions and not its political responsibilities" (p. 131). Thus the basic characteristics of ICAO as now constituted are misunderstood: its process is overwhelmingly political, and its sphere of responsibility is inextricably intertwined with fundamental international political issues. Incidentally, the important political situation involving the non-participation of the Soviet Union is not explained.—L. LARRY LEONARD, *The New School for Social Research.*

The Administration of Technical Assistance: Growth in the Americas. BY PHILIP M. GLICK. (Chicago: University of Chicago Press. 1957. Pp. xix, 390. $5.50.)

This book is another in the series of research reports being produced by a committee of the National Planning Association that investigated the role played by technical co-operation in Latin America. Dr. Glick, who served as general counsel of the Institute of Inter-American Affairs and of the Technical Co-operation Administration for six years and helped to draft the Point Four Program, contributes a study of how the various technical assistance programs have been administered in Latin America.

This review is being written as the United States Congress again debates an appropriation for foreign aid. The 531 members of Congress could well utilize the book in their deliberations, for Dr. Glick has produced a study that throws much light on how technical assistance ought to be administered. He surveys the bilateral program of the United States, the programs of the United Nations and its specialized agencies, and the program of the Organization of American States. He reviews the development of these programs, describes the instruments devised to achieve the ends sought, and discusses the problems faced, including program planning, staffing, and the type of organization needed in the headquarters and in the country being assisted. A great deal of information on who pays for the programs and what the money has been used for is presented in a series of charts. Dr. Glick concludes with a discussion of the problem of coordinating the various programs and integrating them with the efforts of the governments, businessmen, foundations, and religious organizations.

Dr. Glick discovered that it is not easy for one nation to assist another in developing its economy and raising its standard of living. He points out that it is even possible to lower the standard of living of a country through the wrong kind of technical assistance, as when health is improved without at the same time increasing the available food supply.

The administration of technical assistance in Latin America seems to have involved all of the problems any organized effort faces, including jealousy between agencies, personnel problems, and political changes both in the United States and in the various countries receiving assistance. In addition there has been the difficult problem of clashing cultures: that is, how can a specialist from the United States or Western Europe transmit his knowledge in such a way that people of a different culture can assimilate it?

The main problem, of course, has been how the agencies of technical assistance were to staff their projects. Dr. Glick discovered that there is here, as in all public administration, a tendency to institutionalize. Beginning with specialists who were expected to go into the field for six months or a year or two, all the agencies are being forced to build a career service. This is because the technical expert, no matter how well trained, really learns on the job how to give technical assistance and in many cases becomes valuable only about the time his year or two is over. Dr. Glick points out that the agencies of technical assistance must recruit competent people, train them and orient them to their work, and then give them a broad range of responsibility and freedom of action.

To those interested in Latin America, this book will be valuable for the light it throws on the problems of the area. It will be valuable to the specialist in comparative public administration for the light it throws on the problems of administering any project. It will be valuable to those trying to formulate programs for the development of the so-called underdeveloped areas. This writer heartily recommends it to all. Aside from the information it contains, it is well written and easy to read. Dr. Glick has done a good job.—HARRY KANTOR, *University of Florida.*

New Era in the Non-Western World. EDITED BY WARREN HUNSBERGER. (Ithaca: Cornell University Press. 1957. Pp. xi, 151. $3.00.)

So great is the cultural bias of most persons educated in the Western world that there cannot for many years be too many books aimed at understanding the non-Western world. Two small volumes from the "Non-Western Civilizations Program" at the University of Rochester within one year have made major contributions toward this understanding. Fortunately the first of these appeared as a paper back (Mentor #190) and has already had an extraordinary impact both in the United States and in South Asia.

The present volume is in many respects a more detailed examination of some of the issues raised in the Mentor book. It consists of six chapters based upon as many lectures addressed to an adult audience (and attended by undergraduates and high school students). The audience reached explains both the special clarity of most of the writing and the lack of pretense at original research. It is frankly an effort to interpret events in a little-known (except to the scholar) and supremely important area of world affairs. In this respect it is highly successful and marks an important contribution to international understanding.

Vera Dean's opening chapter pulls together much of the material included in the broader spectrum of the Mentor volume and emphasizes the importance to the non-Western states of participation in multilateral international agencies. Harry Benda attempts to relate forces of revolution and nationalism in the non-Western world and contributes interesting suggestions regarding the struggle between urban and non-urban centers within the newly developing countries. Warren Hunsberger does an exceptionally clear analysis of hard economic realities that must be faced in guiding the enthusiasm of the revolution of rising expectations toward attainable goals. Albert Noyes, discussing "Science and the Non-Western World," outlines both needs and resources and underlines the extraordinary importance of providing educational and related forms of technical assistance through United Nations means as well as through bilateral programs. Joseph Gittler provides a rather too general and at times somewhat theoretical summary of the role of social change in relation to the impact of technology. It seems inadequate, however, in relating the theoretical problem to the dynamic forces at work in many of the newly developing countries. Cornelis de Kiewiet provides, as one might expect, a broad historical setting for the problem of understanding between Western and non-Western countries and suggests guides for American foreign policy that might well be taken to heart both by the United States government and by the American people.

As the critical role of the non-Western world in the future development of world relations becomes ever more evident, books of this kind should play a major role in speeding the much needed adjustment in thinking required of the people of the Western world.—WALTER H. C. LAVES, *Indiana University.*

The German Policy of Revolutionary France: A Study in French Diplomacy during the War of the First Coalition, 1792–1797. BY SYDNEY SEYMOUR BIRO. (Cambridge, Mass.: Harvard University Press. 1957. 2 vols. Pp. xvi, 1103. $15.00.)

Both fascinating and scholarly, Professor Biro's volumes cover the diplomacy of the Convention and the Directory. There is no comparable work in any language; many European archives have yielded hitherto unknown source materials which make the work invaluable. But there is more here than new facts and new approaches.

The author metes out praise and blame to present what he considers a truthful (and what is always a forceful) interpretation. The German policy of the Convention defies description except as the total of a series of German policies. Though the Revolutionary policy of shunning Austria in favor of Prussia was neither invariable nor universal, it strongly contributed to the building up of nuclei of future resistance to France. And did it not thereby also contribute to the dismal days of 1870, 1914, and 1940? It appears quite certain that economic considerations were most important in shaping the Directory's German policy. In its pronouncements, however, the Directory put forward military arguments, which, for all their shallowness, have been repeated in Paris ever since: the left bank of the Rhine was demanded as a barrier; then, the totality of its waters as an indispensable barrier to protect the barrier; finally, German fortresses on the right bank, presumably as a further barrier.

The author hopes that the experiences of another generation with problems like our own may help us to help the Germans and French to compose their differences. If a dramatically written historical treatise could ever do so, this study should qualify.—HENRY W. EHRMANN, *University of Colorado.*

A Guide to Diplomatic Practice. BY SIR ERNEST SATOW. EDITED BY SIR NEVILE BLAND. (London, New York, Toronto: Longmans, Green and Company. 4th ed. 1957. Pp. xviii, 510. $15.00 trade, $11.50 college.)

This celebrated handbook, the first edition of which appeared in 1917, retains in its present form many of the touches which have made earlier editions not only useful reference books but also entertaining reading. Since the last edition appeared in 1932, many changes had to be made to render this classic a suitable aid to the practising diplomatist. The late editor, who headed the Treaty Department and was later Ambassador to the Netherlands, with the assistance of several colleagues in the British Foreign Office, has undertaken a careful and expert revision. Much of the introductory and historical material has been retained, the extremely useful part on the role and status of diplomatic agents in international law has been thoroughly rewritten, the part on international meetings and transactions appears in a radically reshaped form, the chapter on the British Commonwealth has been revised and expanded, while the chapters on the League of Nations have been replaced by succinct but useful data on the United Nations, its specialized agencies, and the various Atlantic and European regional associations. American readers, however, will miss facts on Inter-American and Asian regional agencies. In spite of conservative and "European" residues, *Satow's Guide* remains not only an indispensable handbook for the practitioner but also an instructive and at times amusing aid for students of international law, politics, and diplomatic history.

International Governmental Organizations: Constitutional Documents. BY AMOS J. PEASLEE. (The Hague: Martinus Nijhoff; New York: Justice House. 1956. 2 vols. Pp. xxiii, 719; xv, 845. $15.00.)

This compilation does for "International Governmental Organizations" what *Constitutions of Nations*, published in three volumes in 1950, did for the "sovereign nations of the world." It does not include bi-lateral agreements establishing permanent agencies. The compilation is preceded by a general summary by Mr. Peaslee, in which he gives information regarding terminology, dates of organizations, functions, organs, membership, financial arrangements, relations to other organizations, and headquarters. This information is useful for quick reference purposes.

The compilation of basic documents appears to be complete as of January 1, 1956. Most of the documents are preceded by notes summarizing the origin and history of the organization in question, its functions and powers, membership, and other relevant data. Select bibliographies are appended in some instances.

Students of international organization will find these two volumes a very useful, in fact indispensable, reference work. Mr. Peaslee has performed a very great service for us.

American Military Policy: Strategic Aspects of World Political Geography. BY EDGAR S. FURNISS, JR. (New York: Rinehart and Company. 1957. Pp. xiii, 494. $6.50.)

The student of international politics, constantly more concerned with the relation between military and foreign policy, may often feel overwhelmed by a rapidly growing literature. The author comes to his rescue by admirably performing the service of bringing together thirty-odd articles culled mostly from academic and military journals of the years 1949 to 1956. The subject matter is defined more broadly than the subtitle might lead one to expect. Separate chapters are devoted to such matters as military organizations and personnel in foreign policy making, strategic doctrines, regional security organizations, the uses of our military power in various parts of the world, the international control of armaments, and finally to the inevitable topics—limited war, graduated deterrence, and massive retaliation. Professor Furniss provides brief and helpful introductions to each chapter and to the whole appends an extensive bibliography.

Unholy Alliance. BY GERALD FREUND. (New York: Harcourt Brace and Company. 1957. Pp. xix, 283. $6.00.)

An account of relations between Germany and Russia in the period 1917–1926, based on hitherto unpublished materials in the archives of the German Foreign Ministry and the private papers of Stresemann and von Seeckt. It is an important and authoritative contribution to the subject, written with clarity and an admirable sense of proportion. Particular interest will attach to the author's account of the secret military cooperation between the two countries, (conducted with less interruption than economic collaboration), which is here placed in better perspective than in any previous work, and to his judgment—necessarily restrained, in view of the continuing inaccessibility of papers—of Stresemann's policies. The account as a whole is greatly enhanced by a sense of personalities as well as of politics. The book, which is Gerald Freund's first, has a valuable introduction by John Wheeler-Bennett.

Annual Review of United Nations Affairs, 1955–1956. EDITED BY CLYDE EAGLETON AND RICHARD N. SWIFT. (New York: New York University Press. 1957. Pp. x, 217. $4.50.)

This is a topical survey of the activities of the U.N. during the calendar year 1955 and a good part of 1956. The topics dealt with in the individual articles are: Peace and Security, Economic Affairs, Social and Humanitarian Matters, Trusteeship and Non-Self-Governing Territories, Legal Matters, and Administrative Matters. The volume concludes with an essay by Clark Eichelberger on "Ten Years of the United Nations." The survey does not offer much new to the specialist but is useful for the student, particularly if used in conjunction with the U.N. Yearbooks.

Yearbook of World Affairs, 1957. (London: Stevens and Sons. 1957. Pp. xv, 479. £2 2s.)

The essays which make up three-fifths of this Yearbook (the remainder of the space is devoted to book reviews and notes) show an unusual disparity not only of quality but also of purpose. Some set out with the orthodox but valuable intention of providing a record of the year's events and their antecedents (Seton-Watson on Eastern Europe, F. S. Northedge on Japan, and F. Parkinson on Soviet foreign aid are particularly useful). But Herbert Nicholas's talents are directed to prophesying forthcoming developments in United States foreign policy—a task in which he is obviously ill at ease, quoting George Eliot's description of the practice of prophesy as the most gratuitous form of error; Hans Morgenthau's essay on Neutrality and Neutralism provides a new homily on the folly (and immorality) of applying moral precepts to foreign policies, but leaves many questions about neutralism unanswered. In her discussion of the Suez expedition, Susan Strange offers a criticism of the British and French governments, but it leaves something to be desired both as a record of the passions of the moment and as an historical analysis. A Yearbook that does not limit itself to a record opens up obvious and valuable opportunities, but one is left with the impression that many of these opportunities have been missed.

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS
Catholic University of America

ARTICLES

International Politics and National Policies

General

Acheson, D. The Illusion of Disengagement. *Foreign Affairs.* April, 1958.

Alleman, F. H. Kennan—und Was Weiter? *Monat.* February, 1958.

Alvarez, A. La Situation Actuelle du Monde. *Revue de Droit International* (*Sottile-Genève*). April–June, 1957.

Aron, R. Answer to George Kennan. *Western World.* February, 1958.

Bose, C. The Problem of Disarmament. *Indian Journal of Political Science.* July–December, 1957.

Bulat, R. Explosions Nucléaires et Désarmement. *Revue de la Politique Internationale.* September 1, 1957.

Davis, J. L. The International Teaching of Peace. *World Affairs.* Winter, 1957.

de Visscher, F. L'État Moderne, un Danger pour la Paix. *Revue de Droit International, de Sciences Diplomatiques et Politiques.* July–September, 1957.

Dimitrov, G. Is it Our Interest to Help National Communism? *Western World.* February, 1958.

Escape from the Aid Maze. *Economist.* March 1, 1958.

Green, L. C. The International Civil Servant, His Employer and His State. *Grotius Society Transactions*, 1954.

Gschnitzer, F. Gibt es noch Grenzen? *Aussenpolitik.* February, 1958.

Guetzkow, H. Isolation and Collaboration: a Partial Theory of International Relations. *Conflict Resolution.* March, 1957.

A Guide to Disengagement; Four Plans Offered to Europe Since 1954. *Times* (London). March 19, 1958.

Haug, H. The Results of the International Red Cross Conference in New Delhi. *Swiss Review of World Affairs.* January, 1958.

Interreligious Relationships Today. *Civilisations.* No. 4, 1957.

Jones, D. B. Hollywood's International Relations. *Quarterly of Film, Radio and Television.* Summer, 1957.

Jordan, W. M. Concepts and Realities in International Political Organization. *International Organization.* Autumn, 1957.

Juin, A. P. Is the Equilibrium Based on Terror More Favorable to Russia or to the West? *Western World.* January, 1958.

Kennan, G. F. Russia, the Atom and the West. *Listener.* November 14, 21, 28; December 5, 12, 19, 1957.

———. A chance to Withdraw Our Troops in Europe. *Harper's Magazine.* February, 1958.

Miller, G. H. Beyond Suez—a New Dimension of Sea Power. *United States Naval Institute Proceedings.* February, 1958.

Moorthy, S. D. Disarmament and Collective Security. *Indian Journal of Political Science.* July–December, 1957.

New Reflections on the International Situation. *Confluence.* Winter, 1958.

Lassalle, C. Contribution à une Théorie de la Fonction Publique Supranationale. *Revue du Droit Public et de la Science Politique en France et à l'Étranger.* May–June, 1957.

Levinson, D. J. Authoritarian Personality and Foreign Policy. *Conflict Resolution.* March, 1957.

Lowry, C. W. Spiritual Factors in Waging Peace. *World Affairs.* Winter, 1957.

Piotrow, P. T. Military Disengagement. *Editorial Research Reports.* February 26, 1958.

Schütz, W. W. New Initiatives for a New Age. *Foreign Affairs.* April, 1958.

Schwarzenberger, G. Formen und Funktionen Übernationaler Integrationen in der Heutigen Welt. *Europa Archiv.* November 20, 1957.

Solbury, Viscount. Imperialism and Colonialism. *Quarterly Review.* January, 1958.

Soras, A. L'Église et l'Anticolonialisme. *Cahiers d'Action Religieuse et Sociale.* July 15, 1957.

Spate, O. H. K. 'Region' as a Term of Art. *Orbis.* No. 3, 1957.

Sputnicana. Opening of the Gates of Space. *Round Table.* December, 1957.

To the Summit? *Economist.* January 18, 1958.

Thumm, G. W. Ethics in International Relations. *Social Education.* December, 1957.

Military and Functional Questions

Ay. Existe-t-il une Doctrine Aéroportée? *Forces Aériennes Françaises.* December, 1957.

Biorklund, E. Missile Weapons and the Future. *Journal of the Royal United Service Institution.* November, 1957.

Cagle, M. W. Errors of the Korean War. *United States Naval Institute Proceedings.* March, 1958.

Combaux, E. Armes Atomiques et Non Atomiques dans la Défense de l'Eurafrique. *Revue de Défense Nationale.* January, 1958.

Comments on Pugwash: From the East—From the West. *Bulletin of the Atomic Scientists.* March, 1958.

Cottrell, A. J. Nuclear Weapons, Policy and Strategy. *Orbis.* No. 2, 1957.

The Disarmament Problem. *Notes on Current Politics.* August 12, 1957.

Freeman, H. A. Disarmament and Atomic Control: Legal and Non-legal Problems. *Cornell Law Quarterly.* Winter, 1958.

Gavin, J. M. Why Limited War? *Ordinance.* March–April, 1958.

A Girdle Round the Earth. The Achievement of the Sputniks. *Round Table.* December, 1957.

Gunther, H. K. Implications of Vertical Warfare. *Military Review.* December, 1957.

Guske, H. H. Die Raketen—Technische und Politische Probleme. *Aussenpolitik,* January, 1958.

Hoag, M. W. Economic Problems of Alliance. *Journal of Political Economy.* December, 1957.

Howard, M. Strategy in the Nuclear Age. *Journal of the Royal United Service Institution.* November, 1957.

King, J. E., Jr. Limited War in an Age of Nuclear Plenty. Washington, Industrial College of the Armed Forces, 1957.

Lamb, C. B. Land/Air Warfare—the Navy's Part. *Military Review.* February, 1958.

Lepotier, S. Géopolitique et Géostratégie. *Revue de Défense Nationale.* February, 1958.

Liddell Hart, B. H. "Überstrategie." *Aussenpolitik.* January, 1958.

Lincoln, G. A. Limited War and the Scholars. *Military Review.* January, 1958.

Mackay, K. The Graduated Deterrent. *Military Review.* January, 1958.

Orear, J. Detection and Nuclear Weapons Testing. *Bulletin of the Atomic Scientists.* March, 1958.

Pruck, E. Das Grosse Weltabenteuer des III. Internationalen Geophysikalischen Jahres 1957/58. *Wehr-Wissenschaftliche Rundschau.* December, 1957.

Rathjens, G. W., Jr. Notes on the Military Problems of Europe. *World Politics.* January, 1958.

Rendulic, L. Problems of Atomic War. *Military Review.* December, 1957.

Risse, H. T. Die Gefahren Atomarer Versuchsexplosionen. *Frankfurter Hefte.* October, 1957.

Rocolle, L. Les Constantes de la Guèrre Subversive. *Revue de Défense Nationale.* February, 1958.

Schelling, T. C. Bargaining, Communication and Limited War. *Conflict Resolution.* March, 1957.

Schubert, J. Global Radiation Limits. *Bulletin of the Atomic Scientists.* January, 1958.

Simpson, J. A. The International Geophysical Year. *Bulltin of the Atomic Scientists.* December, 1957.

A Sort of Twilight. *Economist.* January 4, 1958.

Sullivan, W. The IGY—Scientific Alliance in a Divided World. *Bulletin of the Atomic Scientists.* February, 1958.

Teller, E. The Russian Challenge. *Bulletin of the Atomic Scientists.* February, 1958.

U.S. Department of the Army. Headquarters. Bibliography on Limited War. Washington, GPO, 1958.

Wynne, G. C. Pattern for Limited (Nuclear) War: the Riddle of the Schlieffen Plan-I. *Journal of the Royal United Service Institution.* November, 1957.

Yasui, K. The Third World Conference Against A & H Bombs. *Contemporary Japan.* September, 1957.

United States

American Assembly. Some American Views on U.S. Far Eastern Policy, 1956–57. New York, American Institute of Pacific Relations, 1958.

American Tariff League. The United States in World Trade; a Contemporary Analysis and a Program for the Future. New York, American Tariff League, 1958.

Asher, R. E. The Foreign Aid Expenditures of the United States. Washington, Brookings Institution, 1958.

Blackwell, C. P. Role of Foreign Trade in the United States Economy. Washington, GPO, 1957.

Bogart, L. Measuring the Effectiveness of an Overseas Information Campgian. *Public Opinion Quarterly.* Winter, 1957–58.

Colm, G. General Economic Feasibility of National Security Programs. Washington, National Planning Association, 1957.

Elder, R. E. The Public Studies Division of the Department of State: Public Opinion Analysts in the Formulation and Conduct of

American Foreign Policy. *Western Political Quarterly.* December, 1957.

Les États-Unis et le Moyen-Orient. *Études Américaines.* No. 58, 1957.

Gross, E. A. Some Illusions of Our Asian Policy. *Far Eastern Survey.* December, 1957.

Institute for Defense Analyses. Annual Report. Washington, 1957.

Lubell, S. Sputnik and American Public Opinion. *Columbia University Forum.* Winter, 1957.

Melbourne, R. M. Coördination for Action. *Foreign Service Journal.* March, 1958.

Merwin, D. An Analysis of the . . . Rockefeller-Kissinger Report. *Marine Corps Gazette.* March, 1958.

Millikan, M. F. Foreign Aid: Next Phase. *Foreign Affairs.* April, 1958.

Pratt, J. W. Anticolonialism in United States Foreign Policy. *Orbis.* No. 3, 1957.

Quilliot, R. La Politique Extérieure des États-Unis. *Revue Socialiste.* June, 1957.

Reese, T. Understanding American Foreign Policy. *Australian Outlook.* December, 1957.

Rockefeller Brothers Fund. Special Study Project. International Security—the Military Aspect. New York, 1958.

Schultz, A. D. The Army's Role in the Military Assistance Program. *Army Information Digest.* April, 1958.

Scientists Explain U.S. Technical Lag. *Aviation Week.* December 30, 1957.

Tensions in American Foreign Policy. *Current History.* March, 1958.

Vandenbosch, A. American Foreign Policy and Constitutional Problems. *Internationale Spectator.* December 8, 1957.

Canada

Grandchamp, R. Le Canada et l'OTAN. *Revue de Défense Nationale.* August–September, 1957.

North American Air Defense Command and Continental Air Power. *Canadian Aviation.* February, 1958.

La Politique du Canada. *Chronique de Politique Étrangère.* May, 1957.

Latin America

Pippy, J. F. Foreign Aid and the Problem of Non-intervention. *Inter-American Economic Affairs.* Winter, 1957.

Stokes, W. S. Economic Anti-Americanism in Latin America. *Inter-American Economic Affairs.* Winter, 1957.

Washington, S. W. A Study of the Causes of Hostility toward the United States in Latin America: Argentina. Washington, Department of State (External Research Paper No. 126, 2), 1957.

Zaleski, M. Economic Co-operation in Latin America. *India Quarterly.* July–September, 1957.

United Kingdom

Cadman, P. Weapon Developments Influence on U.K. Security. *Air Power.* Winter, 1957–58.

Falls, C. Britain's New Pattern of Defense. *Military Review.* February, 1958.

Leftovers of Empire. *Economist.* January 4, 1958.

Liesner, H. H. The European Common Market and British Industry. *Advancement of Science.* December, 1957.

Pemberton, R. F. Foreign Policy and the Armed Forces. *Air Power.* Winter, 1957–58.

Salisbury, Marquess of. Anglo-American Shibboleths. *Foreign Affairs.* April, 1958.

Weyl, A. R. Technical Problems Implicit in a Missile Strategy. *Aeronautics.* February, 1958.

Western Europe

Baker, J. E. How the French See America. *Yale Review.* Winter, 1957.

Huber, K. Die Friedliche Verwertung der Atomenergie in Frankreich und die Französische Stellungnahme zur Europäischen Atomgemeinschaft. *Europa Archiv.* December 5–20, 1957.

Juin, A. National Defense and Military Resources. *Military Review.* December, 1957.

Moulin, L. Anti-Americanism in Europe; a Psychoanalysis. *Orbis.* Winter, 1958.

Murillo Rubiera, F. La Tensión Soviético-Escandinava y la Defensa Occidental. *Política Internacional.* October, 1957.

Owen, J. The Polls and Newspaper Appraisal of the Suez Crisis. *Public Opinion Quarterly.* Fall, 1957.

Pour ou Contre les Américains. *Réalités.* February, 1958.

Woodhouse, C. M. Attitudes of NATO Countries toward the United States. *World Politics.* January, 1958.

Central Europe

Adenauer the European: Aftermath of the German Election. *Round Table.* December, 1957.

Courtet, F. La République Fédérale et l'OTAN. *Documents.* January–February, 1958.

Hahn, W. F. The Germans and the West. *Orbis*. No. 2, 1957.

Muhlen, N. The New Army of a New Germany. *Orbis*. No. 3, 1957.

Proebst, H. Innenpolitische Problematik Deutscher Aussenpolitik. *Aussenpolitik*. January, 1958.

Rodens, F. Dänemark und Deutschland. *Aussenpolitik*. December, 1957.

Schneider, E. Deutschland und der Aufbau der Entwicklungsfähigen Länder. *Offene Welt*. May–June, 1957.

Schütz, W. W. Die Aussenpolitische Bedeutung der Wiedervereinigungsarbeit. *Aussenpolitik*. January, 1958.

Wlatnig, F. Austria between East and West. *Swiss Review of World Affairs*. February, 1958.

Soviet Union and Eastern Europe

L'Aide Soviétique aux Pays "Non-Engagés." *Documentation Française*. October 8, 1957.

Barghoorn, F. C. Soviet Cultural Diplomacy since Stalin. *Russian Review*. January, 1958.

Boorman, H. L. The Sino-Soviet Alliance: A New Dimension in World Politics. *Journal of International Affairs*. No. 2, 1957.

Brown, G. T. The Dialectic Gulf between Tito and Moscow. *World Affairs Quarterly*. January, 1958.

Caiazzo, R. La Penetrazione Economica Sovietica nel Mondo. *Idea*. July, 1957.

Contius, W. G. Die Deutschlandpolitik der Sowjetunion. *Ost Europa*. December, 1957.

Erikson, J. The Soviet Military Purge 1937–1957. *Twentieth Century*. July, 1957.

Galay, N. Guided Missiles and Soviet Military Doctrine. *Bulletin of the Institute for the Study of the USSR*. October, 1957.

Garthoff, R. Soviet Views on Limited War. *Military Review*. December, 1957.

———. Sea Power in Soviet Strategy. *United States Naval Institute Proceedings*. February, 1958.

Holm, E. Die Sowjetunion und die Nordischen Staaten seit dem XX. Kongress der KPdSU. *Osteuropa*. January, 1958.

Khrushchev, N. S. Three Interviews with N. S. Khrushchev. *Current Digest of the Soviet Press*. December 25, 1957.

McSherry, J. E. Soviet Diplomacy from Stalin to Suez. *United States Naval Institute Proceedings*. December, 1957.

Moscow's Psychological Warfare—an Analysis of Bulganin's Letters. *Swiss Review of World Affairs*. February, 1958.

Ninkovic, S. Yugoslav Foreign Policy and International Relations. *Indian Journal of Political Science*. July–December, 1957.

Other Side of the Summit. *Economist*. February 8, 1958.

Pruck, E. Die Sowjetischen Streitkräfte in Politischer Sicht. *Zeitschrift für Politik*. No. 4, 1956.

Von Krannhals, H. Polnische Teilungen—Polnische Wiedervereinigung. *Aussenpolitik*. February, 1958.

Winston, V. The Soviet Satellites—Economic Liability? *Problems of Communism*. January–February, 1958.

Yowev, S. Soviet Activity in the Balkans. *Bulletin of the Institute for the Study of the USSR*. October, 1957.

Middle East and Africa

Allen, R. L. Middle Eastern Economic Relations with the Soviet Union, Eastern Europe and Mainland China. Charlottesville, University of Virginia, Woodrow Wilson Department of Foreign Affairs, 1958.

Aramco, Puissance No. 1 du Moyen-Orient. *Entreprise*. July 15, 1957.

Barnes, W. E. Changing Trends in the Mediterranean Balance of Power 1935–1957. *United States Naval Institute Proceedings*. March, 1958.

de Saint-Chamant, J. Möglichkeiten der Sahara. *Aussenpolitik*. February, 1958.

Facts and Figures; United States Aid to the Middle East 1945–1957. *Middle Eastern Affairs*. November, 1957.

Ferhi, E. La Chiesa in Africa (I). *Communità*. March, 1957.

Glick, E. B. Latin America and the Establishment of Israel. *Middle Eastern Affairs*. January, 1958.

Great Britain. Central Office of Information. Reference Division. The Baghdad Pact. London, 1957.

Helander, S. Der Suezkanal in seiner Gegenwärtigen Weltwirtschaftlichen und Weltpolitischen Bedeutung. *Wirtschaftsdienst*. June, 1957.

Kelly, J. B. Sovereignty and Jurisdiction in Eastern Arabia. *International Affairs*. January, 1958.

Lewis, B. Turkey's Attitude to the West. *Listener*. October 24, 1957.

Lyautey, P. Duel Russo-Américain au Moyen-Orient. *Revue des Deux Mondes*. June 1, 1957.

———. Au Moyen-Orient; Eisenhower contre Khrouchtchev. *Revue des Deux Mondes*. October 15, 1957.

Manera, E. Valoración Stratégica del Golfo de Akaba. *Política Internacional.* March, 1957.

Mediterranean Hourglass. *Economist.* March 8, 1958.

Pascual Villar, A. Jordania, Solución y Problema. *Política Internacional.* May, 1957.

Perlman, M. The Syrian Affair. *Middle Eastern Affairs.* December, 1957.

Pigeot, A. Défendre le Sahara. *Revue de Défense Nationale.* January, 1958.

Psomiades, H. J. Soviet Russia and the Orthodox Church in the Middle East. *Middle East Journal.* Autumn, 1957.

Simpson, D. J. Impact of the Oil Industry in the Middle East. *World Affairs Quarterly.* April, 1957.

Stevenson, J. A. Oil in the Middle East. *Canadian Banker.* Winter, 1957.

Vernant, J. Conscience Européenne: la Grèce et le Proche-Orient. *Revue de Défense Nationale.* October, 1957.

South and Southeast Asia

Binder, L. Pakistan and Modern Islamic-Nationalist Theory. *Middle East Journal.* Autumn, 1957.

Bozeman, A. B. India's Foreign Policy Today. *World Politics.* January, 1958.

Braibanti, R. International Implications of the Manila Pact. New York, American Institute of Pacific Relations, 1957.

Brecher, M. India's Foreign Policy; an Interpretation. New York, Institute of Pacific Relations, International Secretariat. 1957,

Callard, K. B. Pakistan's Foreign Policy; an Interpretation. New York, Institute of Pacific Relations, International Secretariat, 1957.

The Fourth Asian Regional Conference. *International Labour Review.* February, 1957.

Guerrero, L-M. An Asian on Asia; the Limits of Bandung. *Listener.* February 13, 1958.

Hatta, M. Indonesia between the Power Blocs. *Foreign Affairs.* April, 1958.

Henderson, W. The Roots of Neutralism in Southern Asia. *International Journal.* Winter, 1957–58.

Jomin, H. La Politique Étrangère de Nehru. *Revue de l'Action Populaire.* July, 1957.

Oehlrich, C. Pakistan: Verteidigungssystem und Militärische Sicherheit. *Wehr-Wissenschaftliche Rundschau.* December, 1957.

Palmer, N. D. Indian Attitudes towards Colonialism. *Orbis.* No. 2, 1957.

Pannikar, K. M. West of New Delhi. *Western World.* March, 1958.

Shridharani, K. India's Foreign Policy. *Internationales Recht und Diplomatie.* No. 1, 1957.

Von Stockhausen, H. W. Die Teilung Indiens und der Kaschmirkonflikt. *Politische Studien.* December, 1957.

Far East and Pacific

Akashi, Y. Japan's Foreign Policy. *Yale Review.* Winter, 1957.

Ashida, H. Japan's Foreign Policy: Conservative and Socialist Views. Tokyo, Japan Institute of Pacific Relations, 1958.

Australia: South Pacific Commission. *Round Table.* December, 1957.

Carrér d'Encause, H. La Pénétration Chinoise en Asie. *Revue de Défense Nationale.* January, 1958.

Copland, D. Australia and the Changing World in Asia. Hobart, Australian Institute of International Affairs, 1957.

Grandchamp, R. Mao Tsé-Toung: une Vision Mondiale de la Politique. *Revue de'Information Militaire.* June, 1957.

———. La "Rentrée" du Japon. *Revue de Défense Nationale.* October, 1957.

Hudson, G. F. India, China and Japan: the Emerging Balance in Asia. *Orbis.* Winter, 1958.

Lindsay, M. Australia, the United States and Asia. *Australian Journal of Politics and History.* November, 1957.

Luard, E. Chinese Foreign Policy. London, Royal Institute of International Affairs, 1957.

Meade, J. E. Japan and the General Agreement on Tariffs. *Three Banks Review.* June, 1957.

Mehnert, K. Die Transmongolische Bahn und das Verhältnis Peking—Moskau. *Ost-Europa.* December, 1957.

Morley, J. W. The Soviet-Japanese Peace Declaration. *Political Science Quarterly.* September, 1957.

———. Soviet and Communist Chinese Policies toward Japan. New York, Institute of Pacific Relations, International Secretariat, 1958.

Sato, N. Japan among the United Nations. *Contemporary Japan.* September, 1957.

Sawer, G. Problems of Australian Foreign Policy; June 1956–June 1957. *Australian Journal of Politics and History.* November, 1957.

Steiner, H. A. The International Position of Communist China; Political and Ideological Directions of Foreign Policy. New York, American Institute of Pacific Relations, 1958.

Sugi, M. Trade and Co-operation with Southeast Asia. *Contemporary Japan.* September, 1957.

International Economic Policy and Relations

Myrdal, G. Economic Nationalism and Internationalism; the Dyason Lectures for 1957. *Australian Outlook.* December, 1957.

Nichols, J. P. International Financial Relations as a Factor in Contemporary Diplomacy. *World Affairs Quarterly.* January, 1958.

International Law

Aaronson, M. The Law of Space. *Flight.* December 6, 1957.

Ago, R. Positive Law and International Law. *American Journal of International Law.* October, 1957.

Amador, G. Nature Juridique et Fonction de la Responsibilité Internationale de l'État. *Revue de Droit International (Sottile-Genève).* April–June, 1957.

Authority of the Secretary of State to Deny Passports. *University of Pennsylvania Law Review.* January, 1958.

Bloomfield, L. Law, Politics and International Disputes. *International Conciliation.* January, 1958.

Brownell, H. Law in the Settlement of Disputes between Nations. *Connecticut Bar Journal.* December, 1957.

Carlston, K. S. International Role of Concession Agreements. *Northwestern University Law Review.* November–December, 1957.

Cooper, J. C. The Russian Satellite—Legal and Political Problems. *Journal of Air Law and Commerce.* Autumn, 1957.

Craig, D. B. National Sovereignty at High Altitudes. *Journal of Air Law and Commerce.* Autumn, 1957.

Delaume, G. R. Jurisdiction of Courts and International Loans. *American Journal of Comparative Law.* Spring–Summer, 1957.

Doyle, J. H. Our Status of Forces Agreements. *United States Naval Institute Proceedings.* March, 1958.

Dunbar, N. C. W. The Legal Regulation of Modern Warfare. *Grotius Society Transactions,* 1954.

Fenwick, C. G. How High is the Sky? *American Journal of International Law.* January, 1958.

François, J. P. A. La Conférence Diplomatique sur le Droit de la Mer. *Nederlands Tijdschrift voor Internationaal Recht.* October, 1957.

Freudenberg, R. Die Autonome Republik Togo—Statut und Völkerrechtliche Stellung. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* December, 1957.

Gervais, A. Revue de Jurisprudence Française en Matière Internationale. *Revue du Droit Public et de la Science Politiqie en France et à l'Étranger.* July–August, 1957.

Glazer, J. H. A Functional Approach to the International Finance Corporation. *Columbia Law Review.* December, 1957.

Green, L. C. Armed Conflict, War and Self-Defence. *Archiv des Völkerrechts.* December, 1957.

Guillerme, S. L'Espace Interplanétaire et le Droit International. *Revue de Défense Nationale.* January, 1958.

Hudson, M. O. The Thirty-Sixth Year of the World Court. *American Journal of International Law.* January, 1958.

Jessup, P. C. Political and Humanitarian Approaches to Limitation of Warfare. *American Journal of International Law.* October, 1957.

Leifer, W. Wem Gehört die Antarktis? *Aussenpolitik.* February, 1958.

Ludovicy, J. L'Art. 2 Par. 7 de la Charte des Nations Unies et la Notion de Domaine Réservé. *Österreichische Zeitschrift für Öffentliches Recht.* June, 1957.

Meek, M. R. Restrictive International Trade Agreements and Application of United States Anti-Trust Laws. *DePaul Law Review.* Autumn–Winter, 1957.

Münch, F. Tätigkeit der Vereinten Nationen in Völkerrechtlichen Fragen. *Archiv des Völkerrechts.* December, 1957.

Murphy, R. T. Air Sovereignty Considerations in Terms of Outer Space. *Alabama Lawyer.* January, 1958.

Oda, S. New Trends in the Regime of the Sea (II). *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* December, 1957.

———. A Reconsideration of the Continental Shelf Doctrine. *Tulane Law Review.* December, 1957.

Renauld, J. G. Problèmes Juridiques de l'Utilisation Pacifique de l'Énergie Nucléaire. *Revue de Droit International et de Droit Comparé.* No. 2, 1957.

Rice, W. G. Law, the Free Peoples and International Peace. *Villanova Law Review.* November, 1957.

Samore, W. The New International Law of Alejandro Alvarez. *American Journal of International Law.* January, 1958.

Schlesinger, R. B. Research on the General Principles of Law Recognized by Civilized Nations. *American Journal of International Law.* October, 1957.

Skubiszewski, K. La Frontière Polono-Allemande en Droit International. *Revue Générale de Droit International Public.* April–June, 1957.

Sotille, L. Les Expériences Atomiques et le Droit International. *Revue de Droit International (Sotille-Genève).* April–June, 1957.

Thorson, J. T. The International Commission of Jurists. *Canadian Bar Review.* October, 1957.

International Organization

United Nations and Specialized Agencies

Allen, R. L. United Nations Technical Assistance. *International Organization.* Autumn, 1957.

Chamberlin, W. The North Atlantic Bloc in the U.N. General Assembly. *Orbis.* Winter, 1958.

Goodwin, G. The Role of the United Nations in World Affairs. *International Affairs.* January, 1958.

Holcombe, A. N. Strengthening the United Nations. Report of the Commission to Study the Organization of Peace. New York, Harper & Brothers, 1957.

Improvement of the Organization for Collective Security: Alternatives to the Veto Power. Symposium. *Proceedings of the American Society of International Law,* 1957.

The International Atomic Energy Agency. *United Nations Review.* December, 1957.

Intervention under the Charter of the United Nations and under the Charter of the Organization of American States. Symposium. *Proceedings of the American Society of International Law,* 1957.

Jordan, W. M. Concepts and Realities in International Political Organization. *International Organization.* Autumn, 1957.

Lefaucheux, M. H. Should the United Nations be Changed? *Western World.* March, 1958.

A New Step to Aid Economic Development. *United Nations Review.* January, 1958.

Stone, J. Justice between States and the Authority of the General Assembly. *Australian Quarterly.* December, 1957.

Lex Travaux du Sous-Comité du Désarmement. *Documentation Française.* September 14, 1957.

Regional and Collective Security Organizations

After the Paris Conference: towards a Military Reinforcement of NATO? *Interavia.* February, 1958.

Allais, M. Un Marché Commun Atlantique est-il ou non une Utopie? *Revue Politique et Parlementaire.* October, 1957.

Atlantic Community. *Orbis.* Winter, 1958.

Brandt, K. Europe, the Emerging Third Power. *Vital Speeches.* February 15, 1958.

Dehousse, F. Eine Politische Europäische Behörde. *Europa-Brücke.* July, 1957.

d'Harcourt, R. Bonn, Moscou et l'OTAN *Études.* June, 1957.

E.G. El Proyectado Pacto del Atlántico Sur. *Política Internacional.* August 1957.

Gordon, L. NATO and European Integration. *World Politics.* January, 1958.

Holmes, F. The Commonwealth and a Free-Trade Area in Europe. *International Affairs.* January, 1958.

Hoopes, T. NATO Strategy and Europe's Atomic Fear. *Yale Review.* Winter, 1957.

Keiser, G. Die Verhandlungen über die Errichtung einer Europäischen Freihandelszone. *Europa Archiv.* January 5, 1958.

Keller, T. Europäische Verkehrsgemeinschaft. *Aussenwirtschaft.* December, 1957.

McLachlan, D. The Future of the Alliance. *Western World.* March, 1958.

Martín Artajo, A. Europa Ante el Mundo Atlántico. *Política Internacional.* August, 1957.

Molitor, A. Vers une Fonction Publique Européenne. *Cahiers de Bruges.* No. 2, 1957.

Moore, B. T. Euratom. The American Interest in the European Atomic Energy Community. New York, Twentieth Century Fund, 1957.

Moore, W. The Lack of Atlantic Leadership. *Western World.* March, 1958.

Murphy, C. J. V. The NATO Alliance Goes Nuclear. *Fortune.* February, 1958.

Nanes, A. The Evolution of EURATOM. *International Journal.* Winter, 1957–58.

Padelford, N. J. Regional Cooperation in Scandinavia. *International Organization.* Autumn, 1957.

"Open Skies" and the Atlantic Alliance. *British Survey.* September, 1957.

Pearson, L. B. A Measured Defense for the West. *Orbis.* Winter, 1958.

The Seat of Power. *Economist.* October 12, 1957.

Stoetzer, C. Die Organisation der Amerikanischen Staaten. *Aussenpolitik.* February, 1958.

Streiter, G. Die Gemeinsame Versammlung der EGKS vor dem Abschluss der Übergangszeit. *Europa Archiv.* December 5–20, 1957.

Temboury de la Muela, P. La Negociación de los Tratados del Mercado Común y Euratom. *Política Internacional.* May, 1957.

Thomas, M. L. A Critical Appraisal of SEATO. *Western Political Quarterly.* December, 1957.

Thorneycroft, P. The European Idea. *Foreign Affairs.* April, 1958.

Von der Heydte, F. A. Die Politischen Organe der Europäischen Wirtschaftsgemeinschaft. *Friedenswarte.* No. 1, 1957.

Wallich, H. C. The Regional Economic Bloc. *Challenge.* March, 1958.

DOCUMENTS

General and Miscellaneous

Belgium, France, etc. Treaty Establishing the European Economic Community. *American Journal of International Law.* October, 1957.

Belgium, France, etc. Treaty Establishing the European Atomic Energy Community (Euratom). *American Journal of International Law.* October, 1957.

Great Britain, Ministry of Defense. Britain's Contribution to Peace and Security. London, H.M.S.O., 1958 (Cmd. 363).

United Nations

All entries under this heading bear the imprint of the United Nations (New York) unless a different place is shown.

ECOSOC. ECE. Consideration of an All-European Agreement on Economic Co-operation, part I. (Doc. E/ECE/270/Part I; March 12, 1957).

———. ———. Part II, Analytical Summary of the Observations on the Proposals of the USSR Received by the Executive Secretary. (Doc. E/ECE/270/Part II; March 12, 1957).

———. ———. The Development of Contacts between Countries of Eastern and Western Europe; Report by the Executive Secretary. (Doc. E/ECE/271; March 21, 1957).

———. ———. Regional Co-operation in the Economic Aspects of the Peaceful Uses of Nuclear Energy. (Doc. E/ECE/272; March 21, 1957).

———. ———. The Commission's Programme of Work for 1957/58. (Doc. E/ECE/279; March 12, 1957).

General Assembly. First Yearly Progress Report of the Scientific Committee on Effects of Atomic Radiation to the. . . . (Doc. A/3365; November 17, 1956).

———. Draft Convention on the Nationality of Married Women; Report of the Third Committee. (Doc. A/3462; December 17, 1956).

———. Economic Development of Underdeveloped Countries. Report of the Second Committee. (Doc. A/3556; February 22, 1957).

———. Summary and Analyses of Comments of Governments on the Establishment of a Special United Nations Fund for Economic Development. (Doc. A/AC.83/L.4; March 4, 1957).

IAEA. Preparatory Commission. Report. (1957)

International Law Commission. Report of the . . . Covering the Work of its Ninth Session, April 23–June 28, 1957. (Doc. A/3623).

Trusteeship Council. Special Report on the Togoland Unification Problem and the Future of the Trust Territory of Togoland under British Administration together with Related Documents. (Doc. T/1218; January 1956).

United States

Unless otherwise indicated, all entries under this heading bear the imprint: "Washington, Government Printing Office."

Congress

House. United States Delegation to the Third NATO Parliamentarians' Conference. Report of the United States House Delegation to the Paris Conference of NATO Parliamentarians, November 11–16, 1957. H. Rep. 1334. 85th Cong., 2nd sess.

———. Committee on Government Operations. United States Military Aid and Supply Programs in Western Europe. 19th Report by the. . . . H. Rep. 1371. 85th Cong., 2nd sess.

———. Committee on Un-American Activities. International Communism (Communist Designs on Indonesia and the Pacific Frontier). Staff Consultations, December 16, 1957. 85th Cong., 2nd sess.

Senate. Committee on Foreign Relations. The Far East and Southeast Asia. Report by Senator John Sparkman. 85th Cong., 1st sess.

———. ———. Study Mission in the Caribbean Area, December, 1957. Report by Senator George D. Aiken. 85th Cong., 2nd sess.

———. ———. North Africa and the Western Mediterranean. Report by Senator Mike Mansfield. 85th Cong., 2nd sess.

———. ———. Control and Reduction of Armaments. Hearings before Subcommittee. March 25, 1958. 85th Cong., 2nd sess.

———. Committee on Interior and Insular Affairs. Relationships of River and Related Water Resource Development Programs of United States, Soviet Russia and (Red) China. Memorandum of the Chairman of . . . 85th Cong., 1st sess.

Executive Departments

Department of State. Japan; Free World Ally. (Dept. of State Publ. 6516).

———. U.S. Participation in the U.N. Report by the President to the Congress for the Year 1956. (Dept. of State Publ. 6577).

POLITICAL THEORY, RESEARCH, AND METHODOLOGY

The Law and One Man Among Many. By Arthur E. Sutherland. (Madison: University of Wisconsin Press. 1956. Pp. ix, 101. $2.50.)

In this printed version of the 1956 Rundell Lectures at the University of Wisconsin, a Professor of Law from Harvard examines the legal aspects of an ancient social problem: the one versus the many. The difficulty, of course, is that man insists upon individualism, but can achieve it only in a crowd. Each of us wants to be Robinson Crusoe—on a modern Manhattan Island. Professor Sutherland makes no pretense of originality. His effort rather is in the area of what Holmes called necessary "instruction in the obvious." The lectures begin with emphasis upon the changing styles of individualism. Not long ago in this country that term was sugar-coating for a special judicially protected freedom for entrepreneurs to exploit less "rugged" members of the community. This was decried by liberals who demanded "judicial restraint" in the interest of freedom for the community to govern itself. Today individualism has become intellectually respectable among the same sort of people as formerly condemned it. The term has lost its economic implications and now symbolizes man's *spiritual* need for immunity from oppression by the community (in this context called the "crowd" or "multitude"). Accordingly, the liberal who once demanded judicial self-restraint now demands more judicial intervention. This shift is usually justified by differentiating between "property rights" and "human rights." Professor Sutherland finds the distinction easier to feel than to define. Moreover, he sees other difficulties. The law—especially the Constitution—speaks in generalities. At least with respect to cases that get to the judicial summit, it seldom provides obvious solutions. "We live in an intricate web of public and private interests. To allow one man more freedom often requires that another man be restricted." By careful analysis of a series of recent cases, Professor Sutherland suggests that the slogans and catch-phrases of the new individualism are no more helpful for the solution of concrete cases than were those of the old. This "man's liberalism is another man's oppression; . . . there is no panacea either of the left or of the right; . . . liberty can be impaired when government withholds a good as well as when it administers a hurt; . . . freedom is a complicated business." This leads to an examination of the major theories as to the meaning of Justice and the conclusion that "the end is compromise, a blend of motives, a mixture of political theories. There is some wisdom in all the doctrines here treated, and each tempers the others."

Both law and justice then are imprecise. Or, to put it differently, the relations of men to one another are so various that human foresight cannot neatly box and compass them. "Here the judge finds his calling"—to apply as best he may, by the guidance of differing aspirations and traditions, the general precept to the unpremeditated and rude facts of life. Plainly this is not a book for those who know the TRUTH.—Wallace Mendelson, *University of Texas.*

French Protestantism and the French Revolution: A Study in Church and State, Thought and Religion, 1685–1815. By Burdette C. Poland. (Princeton: Princeton University Press. 1957. Pp. x, 315. $5.00.)

According to the author, "the Protestants of France have been victimized by persons too eager to vilify them or by those too anxious to praise them. Their histories are either libels or encomiums." This interesting book attempts "to trace the history of their eighteenth century revival and, at one and the same time, to relate the impact of the Revolution upon the Protestant community in France and describe the role of the Protestants in that political upheaval." In the execution of this assignment, Dr. Poland is much more exhaustive and thorough than Charles Durand in his *L'Histoire du protestantisme français pendant la Révolution et l'Empire*, which was published in 1902.

In the first part of the book, the author discusses the Revocation of the Edict of Nantes but makes no mention of the Huguenots of the Dispersion. Although he writes that "the Protestants of eighteenth century France spurned the teachings of Hotman and Beza," he, strangely enough, does not cite the Monarchomachs of the age of Louis XIV like Pierre Jurieu. In referring to the republicanism of the Protestants in the past, the author asserts that "whether or not this was a consequence of their religious beliefs is another matter which lies beyond the scope of this work." But, should it, in view of the all-embracing and ambitious title of the volume?

The author shows that with the help of the *philosophes* the French Calvinists were granted in 1787 the Edict of Toleration. In fact, "Protestants were darlings of the would-be reformers of the *Ancien Régime* who saw in them model victims of royal absolutism and clerical intolerance." He indicates how the Huguenots were attracted by the philosophy of the age. "Those from their midst who rose to political positions in the French Revolution had long since tuned their ears to Jean Jacques Rousseau, Voltaire, and Montesquieu. Calvin was almost a forgotten man." In the end the Huguenots were overwhelmed by the forces of reason, succumbing to the anti-religious policy of the Revolution.

The "most distinguished of the Protestants in the period of the Revolution" was Rabaut Saint-Etienne, who became a leading Girondist. In fact, Dr. Poland quotes Pierre Chazel, who has said "that almost *all* Protestants had what Sainte-Beuve called the Girondin temperament." But our author finds that the Protestants were also in the Royalist and Jacobin camps. He indicates that they were "Frenchmen first and Churchmen second, and that they were not a conspiracy against the altar and throne of France," in spite of what was said about them by Joseph de Maistre in his *Réflexions sur le protestantisme dans ses rapports avec la souveraineté.*

Throughout the work the author seems to be more concerned with the behavior of the Protestants than with their thought. But he is aware that historians have often said that the Reformation was a great liberalizing force, culminating in the French Revolution. And he quotes André Siegfried on the relation of Protestantism to the principles of the Revolution. More careful examination of such matters as these would have enhanced the worth of this book, which is valuable so far as it goes.—GUY H. DODGE, *Brown University.*

Political Science in the United States of America: A Trend Report. BY DWIGHT WALDO. (Paris: UNESCO. 1956. Pp. 84. $1.00.)

This monograph attempts to analyze, for the benefit of non-American readers, current trends in the thinking of professional political scientists in the United States, as revealed chiefly in published books and articles, research in progress, and the programs of association meetings for the years 1952–54. An opening chapter sketches the background of contemporary American political science, noticing among other things the successive shifts of professional attention in response to changing domestic and world situations, and the general commitment of the profession to democracy and to science. A survey of current trends stresses a general effort toward a more scientific methodology (with particular attention to the behavioral movement), an increasing concern with problems of policy, and a growth in theoretical consciousness and theoretical sophistication throughout the fields of political science. The third chapter presents comparative statistics on the subject-distribution of articles and book-reviews in the professional journals for the focal years, as compared with two earlier periods. Later chapters assess the current orientations and issues in the chief subject-matter fields: e.g., Political Theory; International Relations; Politics, Parties, and Pressure Groups; etc.

Professor Waldo's compact statements of the positions of various schools of thought are objective and sharp; his comments are judicious and often acute. The usual difficulties in sorting out major trends for a work of this sort have, perhaps, been enhanced here by the narrow chronological focus. Are American political scientists as little involved in the study of civil liberties as is here asserted? Did not the growing interest in the study of Asian and other underdeveloped countries merit more attention than a brief report on "Area Studies" in general? But, in spite of unavoidable specific disagreements, American members of the profession will agree that Professor Waldo has achieved a remarkably lifelike portrait in miniature of their creeds, their preoccupations, and their debates.

Alexander Hamilton and the Founding of the Nation. EDITED BY RICHARD B. MORRIS. (New York: The Dial Press. 1957. Pp. xviii, 617. $7.50.)

This volume presents a good-sized chunk of selections from the writings of Hamilton, with a short general introduction and with brief introductory notes for separate sections. The selections are presented topically. Thus the reader interested in a particular aspect of Hamilton's thought can find a number of excerpts concerning that aspect organized under one heading. Any editor who dares to anthologize a major and especially a highly controversial historical figure necessarily invites criticism with respect to selectivity. The only reasonable standard to apply in such cases is whether the total selection make it possible for the user of the anthology to reconstruct a comprehensive and balanced view of the original author's ideas undistorted by the personal bias of the editor. For the present volume, the answer is a moderately qualified affirmative. One may question Professor Morris's statement that "Hamilton was ever the valiant defender of civil liberties" (p. 22) and argue that the selections given do not provide the whole story of Hamilton's role in the Alien and Sedition Acts episode. One may also wish that the editor had coped more adequately with the problem of whether *The Federalist* essays are to be taken as representative of the "real" Hamilton or of the advocate Hamilton. On the whole, however, the various facets of Hamilton's thought, which has been so diversely interpreted, are represented fairly in this anthology.

The Communist Trials and the American Tradition: Expert Testimony on Force and Violence. By John Somerville. (New York: Cameron Associates. 1956. Pp. 256. $3.50.)

This book is an account, with analysis and commentary, of the author's testimony as witness for the defense in three trials of Communists indicted under the Smith Act. The central issue is the Communist doctrine on the role of force and violence in effecting the transition from capitalism to communism. The author's position, buttressed by citations of chapter and verse, is that Communist doctrine justifies a revolutionary attempt by the Party only when a revolutionary situation is present—i.e., a virtually complete collapse of the old regime—and only when a revolutionary step has the support of the majority. Professor Somerville concludes, therefore, that the trials were not in the American tradition, since the Act as applied punished men for teaching a doctrine of revolution like that stated in the Declaration of Independence. Because the book is neither a systematic analysis of the legal and constitutional issues involved, nor a thorough examination of Communist doctrine and practice, it leaves the reader with a sense of frustration. It is, however, a useful addition to the literature on both subjects.

The Twentieth Century: The Challenge to the West and Its Response. By Hans Kohn. (New York: The Macmillan Company. Rev., enlarged ed. 1957. Pp. xi, 300. $4.50.)

Writing, in the spring of 1957, an additional section for the chapter that concluded the first edition in 1949, Professor Kohn discerns significant mid-century turning-points in the intervening eight years. The surprising rapid stabilization of Western and Central Europe demonstrates that Western civilization has solved the dominant problem of the first half-century by integrating its emergent proletariat; this conclusion has been paralleled by economic and ideological stresses and trends toward polycentricity in the communist realm. De-stalinization signified a rejection of the Marxian expectation of subverting the West and a return to the Eastward orientation of Lenin. The second half-century confronts the West with the demands of the emergent non-Western peoples; Professor Kohn sees, in the comparative brevity and benevolence of bygone Western imperialism and in the handling of the Suez crisis, reason to hope that this problem may likewise be solved in Western terms.

Three additional essays include two that argue the novelty and vitality of Western civilization. Taking issue with Toynbee's negative view of Modern Western civilization as "an apostasy from Western Christian civilization," Professor Kohn finds its birth in the positive affirmations of seventeenth-century England. Regarding Russia as basically Asian and Germany, Italy, and Spain as frontiers of the West, he insists that "where the modern West is oldest it is strongest and most successful" and that the successes of communism and fascism express "not the decline of the West but . . . the failure of certain countries to be Western enough. . . ."

Procedure and Democracy. By Piero Calamandrei. (New York: New York University Press. 1956. Pp. xv, 104. $4.50.)

This is a charming book, reflecting its author's experience as parliamentarian, lawyer, legal scholar, and teacher. It is concerned with justice within a democratic context, and the procedure referred to in its title is not procedure in the narrow, technical sense, but rather the unfolding of the courtroom drama in all its phases.

Despite its brevity the book moves about easily upon several levels. It offers insight into the Italian legal system and furnishes comparisons of that system with the Anglo-Saxon. It treats problems common to all legal systems, such as the need (and various mechanisms) for an independent judiciary; and it discusses the relationship of justice to the lawyer's art and to the economic status of his clients. On its topmost level, the book reflects a carefully worked legal philosophy that finds its author moving through the various facets of legal realism (including sociological and economic jurisprudence) to a position of humanism: "Justice is the creation of an alert and sensitive human conscience, and there must be an awareness of his [the Judge's] responsibility for perfecting the law through the contribution of his vitality and his humanity."

Science and Economic Development: New Patterns of Living. By Richard L. Meier. (New York: John Wiley and Sons, and the Technology Press of the Massachusetts Institute of Technology. 1956. Pp. xviii, 266. $6.00.)

A fascinating analysis of world population and resources. The author is in pursuit of a *science* of world (economic) development and, to this end, quantifies basic variables (such as man's minimum clothing, food, and fuel needs, and the earth's supply of organic resources) and builds his theoretic structure as broadly as possible so as to include such important (but diverse) factors as the future growth of the megapolis, the proportionate relationship between communications and nationalism, the potentialities for increasing foodstuff and fuel production.

Confronted by the likelihood that the world population will double in the next eighty years (with population growth most acute in underdeveloped areas), the author's concern is not only with solutions to our Malthusian dilemma, but with solutions that take account of human costs and cultural patterns and preferences. Most interesting, perhaps, to the social scientist is the author's statement of the new patterns of living that will be forced upon our planet if it is not to smother under this blanket of growing population.

A Natural Science of Society. By A. R. Radcliffe-Brown. (Glencoe, Ill.: The Free Press and the Falcon's Wing Press. 1957. Pp. xii, 156. $3.50.)

It is interesting and valuable to examine, twenty years after they were delivered, the lectures presented by Radcliffe-Brown to the faculty seminar at the University of Chicago. He developed a series of propositions that continue to engage social scientists and others in lively debate: a theoretical natural science of society is possible, but it does not yet exist; there can be only one such science, although there can be special emphasis within it on economic, political, or other structures; the science of society does not rest on psychology—its relationship to psychology is analogous to the relationship between physiology and chemistry, or between molecular chemistry and subatomic physics; the central task for the science of society is the development of a systematic classification of types of societies by the wide use of the comparative method.

These propositions are sound. Although they have not widespread assent, they are probably more widely accepted than when Radcliffe-Brown spoke. They are only seldom acted upon, however, in research and teaching. Perhaps the publication of these lectures will give some impetus to the development of a unified science of society.

The Greek Mind. By Walter R. Agard. (Princeton, N.J.: D. Van Nostrand Company. 1957. Pp. 190. $1.25.)

Within a mere 85 pages of text, the author attempts to canvass the intellectual pursuits of Fifth Century Greece. He can spend, for example, only 250 words on "Plato's World of Ideas;" but what is said, is said clearly and gracefully. Following the text are some 96 pages of readings, covering 25 broad topics: again too wide a range for too few pages; nevertheless, a number of the readings are pithy illustrations of the textual discussion.

The Brandeis Reader. Edited by Ervin H. Pollack. (New York: Oceana Publications. 1956. Pp. 256. $3.50.)

An anthology of Brandeisiana: appreciations of and tributes to Brandeis by a number of law teachers, jurists, and men in public life, braced by selections from a number of Brandeis's Supreme Court Opinions that reflect his approach to the problem of integrating law with social change.

SELECTED ARTICLES AND DOCUMENTS ON POLITICAL THEORY

CECELIA M. KENYON

Smith College

Aiken, Henry David. God and Evil: A Study of Some Relation between Faith and Morals. *Ethics*. January, 1958.

Albinski, Henry S. The Place of the Emperor Asoka in Ancient Indian Political Thought. *Midwest Journal of Political Science*. February, 1958.

Allers, Ulrich S. Rousseau's Second Discourse. *Review of Politics*. January, 1958.

Alonso, Pedra Ridruejo. Sobre el pensamiento politico de Canalijas. *Revista de Estudios Políticos*. November–December, 1957.

Amerio, Romano. Il pensiero politico di Alessandro Manzoni. *Filosofia*. January, 1958.

Aron, Raymond, and Hook, Sidney. Evolution in Communism. *Problems of Communism*. November–December, 1957.

Barraclough, Geoffrey. History, Morals, and Politics. *International Affairs*. January, 1958.

Broszat, Martin. Die völkische Ideologie und der Nationalsozialismus. *Deutsche Rundschau*. January, 1958.

Clarke, I. F. The Nineteenth-Century Utopia. *The Quarterly Review*. January, 1958.

Cohen, S., Martin, P., Johnson, R. Toward the Development of Dialectics. *Science and Society*. Winter, 1958.

Colburn, H. Trevor. Thomas Jefferson's Use of the Past. *William and Mary Quarterly*. January, 1958.

Demos, R. Paradoxes in Plato's Doctrine of the Ideal State. *The Classical Quarterly*. July–October, 1957.

Dongan, Alan. Social Science and Historical Antinomianism. *Revue Internationale De Philosophie*. 11/4/42.

Downey, Glanville. Themistius and the Defense of Hellenism in the Fourth Century. *Harvard Theological Review*. October, 1957.

Dror, Yehezkel. Values and the Law. *Antioch Review*. Winter, 1957–1958.

Eichler, Willi. Kein Ende doktrinärer Vorurteile. *Politische Studien*. February, 1958.

Fomina, W. A. G. E. Plechanows Rolle bei der Verterdigung und Begründung der Philosophie des Marxismus. *Deutsche Zeitschrift fur Philosophie*. 6/V/1957.

Friedrich, Carl J. Masse gegen Demokratie. *Kyklos*. X/4/1957.

Frisch, Morton J. John Marshall's Philosophy of Constitutional Republicanism. *Review of Politics*. January, 1958.

Fuller, Lon L. Positivism and Fidelity to Law—A Reply to Professor Hart. *Harvard Law Review*. February, 1958.

Glaser, John F. English Nonconformity and the Decline of Liberalism. *American Historical Review*. January, 1958.

Grau, Jose Corts. La otra democracie. *Revista de Estudios Políticos*. September–October, 1957.

Greenlaw, Ralph W. Pamphlet Literature in France during the Period of the Aristocratic Revolt (1787–1788). *Journal of Modern History*. December, 1957.

Halsted, John B. Walter Bagehot on Toleration. *Journal of the History of Ideas*. January, 1958.

Hamlyn, D. W. Eikasia in Plato's Republic. *Philosophical Quarterly*. January, 1958.

Hampl, Franz. "Stoische Staatsethik" und frühes Rom. *Historische Zeitschrift*. 184/2/October, 1957.

Hart, H. L. A. Positivism and the Separation of Law and Morals. *Harvard Law Review*. February, 1958.

Hazard, John N. The General Principles of Law. *American Journal of International Law*. January, 1958.

Henchy, James A. The Communist Theory of Law. *Studies*. Winter, 1957.

Hodges, Donald Clark. Judicial Supremacy. *Journal of Philosophy*. January 30, 1958.

Jones, Harry W. The Rule of Law and the Welfare State. *Columbia Law Review*. February, 1958.

de Jouvenel, Bertrand. Invitation á la théorie politique pure. *Revue Internationale D'Histoire Politique et Constitutionnelle*. January–June, 1957.

Ketcham, Ralph L. James Madison and the Nature of Man. *Journal of the History of Ideas*. January, 1958.

Kingdon, Robert M. Laissez-Faire or Government Control: A Problem for John Wesley. *Church History*. December, 1957.

Klein, Sidney. Capitalism, Socialism and the Economic Theories of Mao Tse-Tung. *Political Science Quarterly*. March, 1958.

Kristol, Irving. Old Truths and the New Conservatism. *Yale Review*. Spring, 1958.

Legaz, Luis y Lacambra. La influencia de la doctrina de Kelsen en la cienca jurídica española. *Revista de Estudios Politicos.* November–December, 1957.

Lewy, Guenter. A Secret Papal Brief on Tyrannicide During the Counter-reformation. *Church History.* December, 1957.

Loewenstein, K. Sumario de los métodos de designación del personal judicial. Revista de Estudios Políticos. November–December, 1957.

Macdonald, H. Malcolm. L'Ideologia Conservatrice in America. *Il Politico.* December, 1957.

Mack, Mary Peter. Graham Wallas' New Individualism. *Western Political Quarterly.* March, 1958.

McKeon, Richard. Power and the Language of Power. *Ethics.* January, 1958.

McKitrick, Eric L. "Conservatism" Today. *American Scholar.* Winter, 1957–1958.

Marchant, P. D. Social Darwinism. *Australian Journal of Politics and History* .

Mazlish, Bruce. The Conservative Revolution of Edmund Burke. *Review of Politics.* January, 1958.

Oehler, Klaus. Thomas von Aquin als Interpret der aristototelischen Ethik. *Philosophische Rundschau.* 5/2(1958).

Paggi, Mario. The Cold War: An Ideological Battle. *Confluence.* Winter, 1958.

Panikkar, K. M. Democracy and Public Philosophy. *India Quarterly.* April–June, 1957.

Plamenatz, John, Giovanni Sartori. A British View; A Continental View: Electoral Studies and Democratic Theory. *Political Studies.* February, 1958.

Raemaeker, Louis De. What St. Thomas Means Today. *Review of Politics.* January, 1958.

Rawls, John. Justice as Fairness. *Philosophical Review.* April, 1958.

Rees, J. C. A Phase in the Development of Mill's Ideas on Liberty. *Political Studies.* February, 1958.

Richards, Gale L. Alexander Hamilton's Influence on John Marshall's Judiciary Speech in the 1788 Virginia Federal Ratifying Convention. *Quarterly Journal of Speech.* February, 1958.

Rothbard, Murray N. Burke's *Vindication of Natural Society.* January, 1958.

Schubardt, Wolfgang. Revolution und Philosophie. *Deutsche Zeitschrift für Philosophie.* 5/V/1957.

Schubert, Glendon A., Jr. The Theory of "The Public Interest" in Judicial Decision-Making. *Midwest Journal of Political Science.* February, 1958.

Thomas, Norman. Rethinking Socialism. *Virginia Quarterly Review.* Winter, 1958.

Tucker, Robert C. Marxism—Is It Religion? *Ethics.* January, 1958.

Uhlig, A. W. Das Ende des doktrinären Sozialismus. *Politische Studien.* January, 1958.

Van Deusen, Glyndon G. Some Aspects of Whig Thought and Theory in the Jacksonian Period. *American Historical Review.* January, 1958.

White, Howard B. The English Solomon: Francis Bacon on Henry VII. *Social Research.* Winter, 1957.

Wiese, Leopold v. "Individualismus" oder "Menschlichkeit?" *Kyklos.* 4/X/1957.

SELECTED ARTICLES AND DOCUMENTS ON

METHODOLOGY AND RESEARCH IN THE SOCIAL SCIENCES

JAMES G. MARCH

Carnegie Institute of Technology

Philosophy of Social Science

Estes, W. K. Of models and men. *American Psychologist,* 1957, *12,* 609–617.

Research Methods and Organization

Davis, James A. On criteria for scale relationships. *American Journal of Sociology,* 1958, *63,* 371–380.

Doob, Leonard W. The use of different test items in nonliterate societies. *Public Opinion Quarterly,* 1957, *21,* 499–504.

Hanson, Robert C. Evidence and procedure characteristics of "reliable" propositions in social science. *American Journal of Sociology,* 1958, *63,* 357–370.

Holt, Robert R. Clinical *and* statistical prediction: a reformulation and some new data. *Journal of Abnormal and Social Psychology,* 1958, *56,* 1–12.

Motivation and Personality

Beloff, Halla. Two forms of social conformity: acquiescence and conventionality. *Journal* *of Abnormal and Social Psychology*, 1958, *56*, 99–104.

Burdock, E. I., Sutton, Samuel, and Zubin, Joseph. Personality and psychopathology. *Journal of Abnormal and Social Psychology*, 1958, *56*, 18–30.

Fitzgerald, Bernad J. Some relationships among projective test, interview, and sociometric measures of dependent behavior. *Journal of Abnormal and Social Psychology*, 1958, *56*, 199–203.

French, Elizabeth G., and Thomas, Francis H. The relation of achievement motivation to problem-solving effectiveness. *Journal of Abnormal and Social Psychology*, 1958, *56*, 45–48.

Inkeles, Alex, Hanfmann, Eugenia, and Beier, Helen. Modal personality and adjustment to the Soviet socio-political system. *Human Relations*, 1958, *11*, 3–22.

Mann, J. W. Group relations and the marginal personality. *Human Relations*, 1958, *11*, 77–92.

Opinions and Attitudes

Beck, Samuel J. Segregation-integration: some psychological realities. *American Journal of Orthopsychiatry*, 1958, *28*, 12–35.

Christie, Richard, Havel, Joan, and Seidenberg, Bernard. Is the F-scale irreversible? *Journal of Abnormal and Social Psychology*, 1958, *56*, 143–159.

Cohen, Arthur R., Brehm, Jack W., and Fleming, William H. Attitude change and justification for compliance. *Journal of Abnormal and Social Psychology*, 1958, *56*, 276–278.

Harvey, O. J. and Rutherford, Jeanne. Gradual and absolute approaches to attitude change. *Sociometry*, 1958, *21*, 61–68.

MacKinnon, William J., and Centers, Richard. Social-psychological factors in public orientation toward an outgroup. *American Journal of Sociology*, 1958, *63*, 415–419.

Tumin, Melvin M. and Rotberg, Robert. Leaders, the led, and the law: a case study in social change. *Public Opinion Quarterly*, 1957, *21*, 355–370.

Cognitive Processes and Individual Decision-Making

Carey, Gloria L. Sex differences in problem-solving performance as a function of attitude differences. *Journal of Abnormal and Social Psychology*, 1958, *56*, 256–260.

Ferguson, Eva Dreikurs. The effect of sibling competition and alliance on level of aspiration, expectation, and performance. *Journal of Abnormal and Social Psychology*, 1958, *56*, 213–222.

Kogan, Nathan and Taguiri, Renato. Interpersonal preference and cognitive organization. *Journal of Abnormal and Social Psychology*, 1958, *56*, 113–116.

Interpersonal Influence

Farber, I. E., Harlow, Harry F., and West, Louis J. Brainwashing, conditioning, and DDD (debility, dependency, and dread). *Sociometry*, 1957, *20*, 271–285.

Fisher, Seymour and Lubin, Ardie. Distance as a determinant of influence in a two-person serial interaction situation. *Journal of Abnormal and Social Psychology*, 1958, *56*, 230–238.

Gold, Martin. Power in the classroom. *Sociometry*, 1958, *21*, 50–60.

Kidd, J. S. Social influence phenomena in a task-oriented group situation. *Journal of Abnormal and Social Psychology*, 1958, *56*, 13–17.

Klapper, Joseph T. What we know about the effects of mass communication: the brink of hope. *Public Opinion Quarterly*, 1957, *21*, 453–474.

Mitnick, Leonard L. and McGinnies, Elliott. Influencing ethnocentrism in small decision groups through a film communication. *Journal of Abnormal and Social Psychology*, 1958, *56*, 82–90.

Group Behavior, General

Cohen, Bernard P. A probability model for conformity. *Sociometry*, 1958, *21*, 69–81.

Coleman, James, Katz, Elihu, and Menzel, Herbert. The diffusion of an innovation among physicians. *Sociometry*, 1957, *20*, 253–270.

Couch, Carl J. Self-attitudes and degree of agreement with immediate others. *American Journal of Sociology*, 1958, *63*, 491–496.

Hall, Robert L. Group performance under feedback that confounds responses of group members. *Sociometry*, 1957, *20*, 297–305.

Hamblin, Robert L. Group integration during a crisis. *Human Relations*, 1958, *11*, 67–76.

Larsen, Otto and Hill, Richard J. Social structure and interpersonal communication. *American Journal of Sociology*, 1958, *63*, 497–505.

Medalia, Nahum Z., and Larsen, Otto N. Diffusion and belief in a collective delusion: the Seattle windshield pitting epidemic. *American Sociological Review*, 1958, *23*, 180–186.

Riley, Matilda W., and Cohn, Richard. Control networks in informal groups. *Sociometry*, 1958, *21*, 30–49.

Schramm, Wilbur and Danielson, Wayne. Anticipated audiences as determinants of recall. *Journal of Abnormal and Social Psychology*, 1958, *56*, 282–283.

Sherif, Muzafer. Superordinate goals in the reduction of intergroup conflict. *American Journal of Sociology*, 1958, *63*, 349–356.

Wilkening, Eugene A. Joint decision-making in farm families as a function of status and role. *American Sociological Review*, 1958, *23*, 187–192.

Organizational Behavior

Arglye, Michael, Gardner, Godfrey, and Cioffi, Frank. Supervisory methods related to productivity, absenteeism, and labor turnover. *Human Relations*, 1958, *11*, 23–40.

Argyris, Chris. Some problems in conceptualizing organizational climate: a case study of a bank. *Administrative Science Quarterly*, 1958, *2*, 501–520.

Bennis, W. G., Berkowitz, N., Affinits, M., and Malone, M. Reference groups and loyalties in the out-patient department. *Administrative Science Quarterly*, 1958, *2*, 481–500.

Bohannan, Paul. Extra-processual events in Tiv political institutions. *American Anthropologist*, 1958, *60*, 1–12.

Cohen, Arthur R. Upward communication in experimentally created hierarhies. *Human Relations*, 1958, *11*, 41–54.

Constas, Helen. Max Weber's two conceptions of bureaucracy. *American Journal of Sociology*, 1958, *63*, 400–409.

Dill, William R. Environment as an influence on managerial autonomy. *Administrative Science Quarterly*, 1958, *2*, 409–443.

Gouldner, Alvin W. Cosmopolitans and locals: toward an analysis of latent structure roles-II. *Administrative Science Quarterly*, 1958, *2*, 444–480.

Gusfield, Joseph R. Equalitarianism and bureaucratic retirement. *Administrative Science Quarterly*, 1958, *2*, 521–541.

Voting Behavior

Cutright, Phillips and Rossi, Peter H. Grass roots politicians and the vote. *American Sociological Review*, 1958, *23*, 171–179.

March James G. Party legislative representation as a function of election results. *Public Opinion Quarterly*, 1957, *21*, 521–542.

Rose, Peter I. Student opinion in the 1956 Presidential election. *Public Opinion Quarterly*, 1957, *21*, 371–376.

Spinrad, William. New York's third party voters. *Public Opinion Quarterly*, 1957, *21*, 548–551.

Culture and Institutions

Bendix, Reinhard and Howton, Frank W. Social mobility and the American business elite—I. *British Journal of Sociology*, 1957, *8*, 357–369.

Boggs, Stephen T. Culture change and the personality of Ojibwa children. *American Anthropologist*, 1958, *60*, 47–58.

Donoghue, John D. An Eta community in Japan: the social persistence of outcaste groups. *American Anthropologist*, 1957, *59*, 1000–1017.

OTHER BOOKS RECEIVED

Adams, Ephraim Douglass. *Great Britain and the American Civil War*. New York: Russell and Russell. 1958. Pp. xi, 340. $10.00.

Adler, Solomon. *The Chinese Economy*. New York: Monthly Review Press. 1957. Pp. xi, 276. $5.00.

Aguinaldo, General Emilio, with Vicente Albano Pacis. *A Second Look at America*. New York: Robert Speller and Sons, Publishers. 1957. Pp. 258. $5.00.)

Alexandrov, Victor. *Krushchev of the Ukraine: A Biography*. New York: Philosophical Library. 1957. Pp. vi, 216. $4.75.

Beer, Samuel H. *Treasury Control: The Coordination of Financial and Economic Policy in Great Britain*. 2nd ed. New York: Oxford University Press. 1957. Pp. viii, 138. $2.40.

Berliner, Joseph S. *Factory and Manager in the U.S.S.R.* Cambridge, Mass.: Harvard University Press. 1957. Pp. xv, 386. $7.50.

Buranelli, Vincent (Ed.). *The Trial of Peter Zenger.* New York: New York University Press. 1957. Pp. viii, 152. $3.75.

Chapman, J. M. and Brian. *The Life and Times of Baron Haussmann: Paris in the Second Empire*. London: Weidenfeld and Nicolson. 1957. Pp. viii, 262. 25s.

Cirtautas, K. C. *The Refugee: A Psychological Study*. Boston: Meador Publishing Company. 1957. Pp. 165. $3.00.

FERNSWORTH, LAWRENCE. *Spain's Struggle for Freedom.* Boston: Beacon Press. 1957. Pp. viii, 376. $6.00.

FISHER, SIR GODFREY. *Barbary Legend: War, Trade and Piracy in North Africa, 1415–1830.* New York: Oxford University Press. 1957. Pp. x, 349. $8.00.

FOX, B. V. *Handbook for Council Clerks.* New York: Oxford University Press. 1957. Pp. vii, 111. $2.00.

GITTLER, JOSEPH B. (ED.). *Review of Sociology: Analysis of a Decade.* New York: John Wiley and Sons, Inc.; London: Chapman and Hall, Ltd. 1957. Pp. ix, 588. $10.50.

GREENE, FRED. *The Far East.* New York: Rinehart and Company, Inc. 1957. Pp. xvi, 589. No price given.

HAMMOND, BRAY. *Banks and Politics in America from the Revolution to the Civil War.* Princeton, N.J.: Princeton University Press. 1957. Pp. xi, 771. $12.50.

HATT, PAUL K., AND ALBERT J. REISS, JR. *Cities and Society: The Revised Reader in Urban Sociology.* Glencoe, Ill.: The Free Press. 1957. Pp. 852. $7.50.

HESS, MOSES. TRANSLATED BY MAURICE J. BLOOM. *Rome and Jerusalem.* New York: Philosophical Library. 1958. Pp. 89. $2.75.

HIGGINS, BENJAMIN. *Indonesia's Economic Stabilization and Development.* New York: Institute of Pacific Relations. 1957. Pp. xxii, 179. $4.00.

JENNINGS, SIR IVOR. *Parliament.* 2nd ed. New York: Cambridge University Press. 1957. Pp. xi, 573. $8.50.

KURTZ, STEPHEN G. *The Presidency of John Adams: The Collapse of Federalism, 1795–1800.* Philadelphia: University of Pennsylvania Press. 1957. Pp. 448. $8.50.

MALCOLM, GEORGE A. *American Colonial Careerist: Half a Century of Official Life and Personal Experiences in the Philippines and Puerto Rico.* Boston: The Christopher Publishing House. 1957. Pp. 288. $5.00.

MALLAS, ARIS A., JR., REA McCAIN, AND MARGARET K. HEDDEN. *Forty Years in Politics: The Story of Ben Pelham.* Detroit: Wayne State University Press. 1957. Pp. 92. $3.00.

MUELLER-DENHAM, ALBERT. *Human Relations and Power: Socio-Political Analysis and Synthesis.* New York: Philosophical Library. 1957. Pp. xxi, 409.

NESS, FREDERIC W. (ED.). *A Guide to Graduate Study: Programs Leading to the PhD. Degree.* Washington, D.C.: Association of American Colleges. 1957. Pp. xi, 335. $5.00.

OH, CHAE KYUNG. *A Handbook of Korea.* New York: Pageant Press, Inc. 1957. Pp. 389. $5.00.

PETRO, SYLVESTER. *The Labor Policy of the Free Society.* New York: The Ronald Press. 1957. Pp. x, 339. $5.00.

PHELAN, SISTER MARY CORTONA. *Manton Marble of the New York World.* Washington, D.C.: Catholic University of America Press. 1957. Pp. vii, 135. $1.50.

ROWSE, ARTHUR EDWARD. *Slanted News: A Case Study of the Nixon and Stevenson Fund Stories.* Boston: Beacon Press. 1957. Pp. 139. $3.95.

SAVELLE, MAX, WITH THE ASSISTANCE OF TREMAINE McDOWELL. *A Short History of American Civilization.* New York: The Dryden Press, Inc. 1957. Pp. xxii, 665. $6.75.

SHAY, THEODORE L. *The Legacy of the Lokamanya: The Political Philosophy of Bal Gangadhar Tilak.* New York, Bombay, and London: Oxford University Press. 1956. Pp. xx, 215. $2.10.

SILLS, DAVID L. *The Volunteers: Means and Ends in a National Organization.* Glencoe, Ill.: The Free Press. 1957. Pp. xx, 320. $6.00.

SIU, R. G. H. *The Tao of Science: An Essay on Western Knowledge and Eastern Wisdom.* New York: John Wiley and Sons and the Technology Press of Massachusetts Institute of Technology. 1957. Pp. xvi, 180. $4.25.

SOROKIN, PITIRIM. *Social and Cultural Dynamics: A Study of Change in Major Systems of Art, Truth, Ethics, Law and Social Relationships.* Rev. ed. Boston: Extending Horizons Books. 1957. Pp. 718. $7.50.

SUMMERS, FESTUS P. (ED.). *The Cabinet Diary of William L. Wilson, 1896–1897.* Chapel Hill: University of North Carolina Press. 1957. Pp. xxvii, 276. $5.00.

MACDONALD, DWIGHT. *Memoirs of a Revolutionist: Essays in Political Criticism.* New York: Farrar, Straus and Cudahy. 1957. Pp. vii, 376. $4.75.

UNDERWOOD, KENNETH WILSON. *Protestant and Catholic: Religious and Social Interaction in an Industrial Community.* Boston: The Beacon Press. 1957. Pp. xxi, 484. $6.00.

WASHBURN, WILCOMB E. *The Governor and the Rebel: A History of Bacon's Rebellion in Virginia.* Chapel Hill: University of North Carolina Press. 1957. Pp. xv, 248. $5.00.

WEST, RICHARD S., JR. *Mr. Lincoln's Navy.* New York, London, and Toronto: Longmans, Green and Company. 1957. Pp. xiii, 328. $6.50.

REPORT OF THE ADVISORY COMMITTEE ON *FOREIGN RELATIONS* TO THE HISTORICAL DIVISION OF THE DEPARTMENT OF STATE

The Advisory Committee on the Foreign Relations of the United States was appointed at the request of the Chief of the Historical Division of the Department of State. In the selection of the Committee three leading national associations interested in the field of foreign relations were approached—the American Historical Association, the American Political Science Association, and the American Society of International Law—and all three accorded their cooperation. Nominations were made by these three societies, and the nominees were accepted by the Dept. of State as the members of the Committee. The Committee met on the 6th and 7th of December, 1957. Those present were: Professors Thomas A. Bailey, Stanford University; Clarence A. Berdahl, University of Illinois; Leland M. Goodrich, Columbia University; Richard W. Leopold, Northwestern University; Dexter Perkins, Cornell University; Philip W. Thayer, School of Advanced International Studies, The Johns Hopkins University; and Mr. Edgar Turlington, Attorney-at-Law, Washington, D.C.

The meeting was first adressed by Dr. G. Bernard Noble, Chief of the Division, who presented the principal problems to be discussed. He indicated that the series known as *Foreign Relations* was initiated in 1861, and that at the outset, and indeed during the 19th century publication was on a fairly current basis. By 1920, however, there had developed a lag of about seven years, and by the 1930's the lag had become fifteen years. In the course of the last few years requests have been made by several Senators, supported by the Senate Appropriations Committee, for the publication of a special series of documents having to do with the various international conferences, and with our relations with China during the 1940's. Thus an additional burden has been placed upon the Division. In addition, the preparation of these volumes raised important questions of clearance, which produced further delay, so that as of the present date an unusually large number of volumes are in the pipe line.

Dr. Noble submitted the following major questions to the Committee: (1) Should coverage in *Foreign Relations* continue on as extensive a basis as in the past, in view of the mass of records? (2) If a drastic cut is made in the scope of compilation, what principles should apply in regard to the inclusion and exclusion of documents? (3) What should be the policy with regard to including documents from other agencies? (4) What can be done with regard to the clearance problem? He also asked the advice of the Committee as to the desirability of an index and table of contents, the identification of the individuals mentioned in the text, and the use of ascriptions to indicate the origin of a given document in the internal organization of the Department.

The Committee was also addressed by Mr. Andrew H. Berding, Assistant Secretary of State for Public Affairs, who laid stress on the increasing complexity of the problem of publication; and by the Secretary of State of the United States. Secretary Dulles alluded to the difficulties in the way of a complete record of events of recent date, and the possibility of embarrassing the current operations of the Department. He also called attention to the publication of other volumes which, while not meeting the conventional requirements of the *Foreign Affairs* series, "do go quite a ways toward meeting the needs of scholars." He called attention to the first volume on *American Foreign Policy from 1950 to 1955*, covering 1700 pages, which had already appeared and indicated that the second volume was in preparation. He also pointed out that the Division was trying to get out a volume for the next two years, 1955–57, and thereafter would attempt to publish on an annual basis. "While this reflects only non-classified documents, the pressure for knowledge about documents which comes from the press and Congress is so great that there is included in a volume like this a great deal of material which normally or in the past would have been kept classified." He stated further, "We have adopted the practice, in the interest of information for scholars, of publishing special pamphlets or booklets dealing with international conferences or periods of special concern. We have got out a series of books on the Berlin Conference with the Russians in '54, the conferences which led up to the bringing of Germany into NATO, and the conference of the London-Paris Accords of '54, the "Summit" Conference, the Conference of Foreign Ministers that followed the "Summit" Conference, the documentation with reference to the Suez Conferences that were held in London, and then the documents with reference to the subsequent evolution of that into the crises that began with the Israeli and the British and French attacks of a year ago in October or November, along through that period. Those publications do include a considerable amount of information which, in that particular form at least, was classified at the time but which was subsequently released with the consent of the governments concerned, and constitutes another important addition to the information available to scholars and is pretty much current. We have been able to get those volumes out within a few weeks after the closing events which they dealt with. So that we are making a very considerable effort to make available to students and scholars, and those interested in public affairs, a very large amount of material which partially at least covers what normally would be covered by the *Foreign Affairs* volumes."

The Committee, after hearing the three gentlemen named, discussed in the afternoon of December 6, and the morning of December 7, the problems which had been presented to it. Other officers of the Division and of the Department participated in the discussion. The offices of the Division were visited also. At the meeting of Saturday morning, December 7, Professor Dexter Perkins was elected Chairman, and delegated to prepare the report. The report, herewith submitted, has received the unanimous adhesion of the members of the Committee.

THE REPORT

Before entering on a concrete discussion of the questions raised in our discussions, the Committee desires to record its unanimous opinion that the Division is manned by persons of ability, integrity and devotion. Dr. G. Bernard Noble, Chief of the Division, Dr. E. R. Perkins, editor of *Foreign Relations*, and Dr. William M. Franklin, Deputy Chief of the Division, all deserve high praise for the quality of their work.

In his introductory remarks, as previously indicated, Dr. Noble alluded to the additional burden thrown on the Division by the request for publication of more recent materials. The Committee expressed no opinion as to whether or not it is desirable to publish such volumes, though it is proper to call attention to a resolution of the American Historical Association, adopted at its December meeting of 1956, urging that materials be published in their regular chronological order. The Malta-Yalta volume deserves favorable notice. In its preparation, a new procedure was established. Not only were the records of the conference given in the greatest detail, but sources external to the Department were examined on a wide scale. The Committee believes that the course of action taken is to be approved, and might be followed in dealing with later conference volumes.

On the other hand, the difficulties involved in such a procedure must be fully realized, especially with regard to materials in the possession of other agencies of the government. In the war and post-war periods foreign relations have become increasingly a matter of concern to many such agencies, as for example, the Department of Defense, and the Treasury. The establishment of the National Security Council in 1947 has created a new situation, for in this body vital problems of foreign policy are discussed. When relevant papers are sought outside the State Department, they may turn out to be classified. Even if they are not, the process of securing them is a cumbrous one. Not everything that is desired can always be obtained. In dealing with this problem in the future the rule of essentiality must be applied. The officers of the Division must themselves determine whether the withholding of given documents provides a sufficient reason for delaying publication, or whether they will go ahead with incomplete materials. The prospect of indefinite postponement of a given project must be weighed against the desirability of providing a complete record.

What has been said, it must be emphasized, applies to the conference volumes, and to other enterprises of similar character. It is the feeling of the Committee that the annual *Foreign Relations* volumes are by origin and nature a State Department record, and that it would not be practicable to range far afield in preparing them for publication. This is particularly true since the time lag in these volumes has now become unduly long. Indeed, in the compiling of future volumes, advantage may be taken of the publication of the conference volumes, or of other relatively contemporary materials to abridge the *Foreign Relations* themselves, and by cross-reference to materials already published to reduce their bulk, and expedite their preparation.

With regard to the general problem of expediting *Foreign Relations*, the following observations seem pertinent.

No one who knows the facts of the matter can fail to realize that in the conditions that have existed of recent years, it is neither possible nor desirable to publish everything that comes in and goes out of the Department. Even with the principle of selection to some degree accepted, the number and size of the volumes has grown portentously.

In the year 1913, just before the First World War, the number of pages in *Foreign Relations* was under 2000. By 1939, it had more than doubled. Furthermore, for the year of the Peace Conference, 1919, it ran to over 13,000 pages. Clearly, under the conditions that now exist, an enormous amount of work is required. Nor is it likely that the volume of documents produced in our diplomatic interchanges is likely to decline. On the contrary, the probability is that it will grow.

As a matter of fact, for some time various categories of material have been excluded from the annual volumes, as can be seen from the list given below. The Committee believes that further limitation may be necessary, both in the interest of prompter publication, and of wise policy from a budgetary point of view. In considering this matter, the Committee took into account four possibilities as suggested by the Division: (1) Tighten up on the present basis of selection, using the same range of subjects but excluding more documents of marginal value. (2) Narrow the range of topics to be covered, leaving out those of marginal or of slight value. (3) Abandon the present comprehensive coverage of all areas and all important "general" subjects (*e.g.*, multilateral conferences) on a year-by-year basis, and concentrate efforts on subjects or problems of major importance. On this basis compilations would be made and released as soon as clearances are possible. (4) Abandon the idea of giving a continuous story in documentary form, and print only key policy papers. After mature consideration of the problem, the Committee considered that the first two of these possibilities were more acceptable than the third and fourth.

This brings us to the question of clearance. It is quixotic to imagine that documents in the field of foreign relations can be published without limitation of any kind. Consideration for the interest of other governments in the record enters into the account and must so enter. Indeed, the Division is required by normal practise to ask for permission to publish documents originating in other foreign offices, or similar agencies. Moreover, a long-standing regulation declares that omissions are permissible for the following reasons: (a) To avoid publication of matters which would tend to impede current diplomatic negotiations or other business. (b) To condense the record and avoid repetition of needless details. (c) To preserve the confidence reposed in the Department by individuals and by foreign governments. (d) To avoid giving needless offense to other nationalities or individuals. (e) To eliminate personal opinions presented in despatches and not acted upon by the Department. To this consideration there is one qualification—in connection with major decisions it is desirable, where possible, to show the alternatives presented to the Department before the decision was made.

These regulations were adopted in 1927, and are still in force. The rationale behind them is not difficult to discover. Sharp criticism of a government with which we are in alliance, in an official publication, may be resented even if the criticism goes back many years. The confidential remarks of a foreign minister, who is still an important figure in his own country, may be, if quoted, a matter of embarrassment to him, and to our diplomatic relations. It would be a dogmatic person, indeed, who would maintain that no occasion could possibly arise in which the publication of historical materials might cause present embarrassment.

At the same time it is easy to take an unduly apprehensive view of the impact of historical materials on current negotiations and associations. And this is particularly true in such a country as the United States where the press catches up and publishes so much material on foreign affairs, not all of it flattering to other governments or individuals. It is in the interest of the public and the Department to secure as wide a public record as possible. There is no doubt in the minds of the members of the Committee that it should operate on this assumption, and should contend vigorously for maximum freedom. It should not conceal error, or reversal of policy. Where it meets with resistance, such resistance is likely to come from the so-called geographic desks, whose officers may be and sometimes are over-sensitive as to the effects of publication. If the officer at the geographic desk is obdurate, appeal may be made, and is not infrequently made, to the Secretary of State, and as a matter of record the Secretary has not been ungenerous in meeting the views of the Division. But if appeal to the highest authority fails, what then? The question, as it seems to the Committee, is then one of proportion. If the materials to be excised affect the integrity of the scholarly record, it may be necessary not to publish at all until the problem of clearance can be resolved. If, on the other hand, the objections taken relate to relatively small matters which do not affect in any important way the general picture or lead to false conclusions, then it may be desirable to publish with some indication of the fact that in a given instance material has been omitted. The members of the Division, the Committee desires to reiterate, are accredited scholars of unimpeachable integrity and fine training. They can be trusted to exercise their functions with sound judgment, and always with the desire that the record be as complete as possible.

With regard to the questions of detail presented to the Committee by Dr. Noble, the Committee believes (1) that an index is highly desirable. (2) It should be sufficient to identify individuals at the foot of the first page, duly indexed, on which their names appear. [One member believes a list of important figures in the front of the volume is desirable.] (3) It is the general view of the committee that there should be a table of contents, and that documents should be classified by country or subject, and printed in chronological order within these classifications. (4) The Committee is unanimously opposed to ascription. One member of the Committee states the matter cogently: "It seems to me that ascription is likely to mean more caution and less frankness on the part of those who are asked for their views, who write memoranda, and who draft papers, telegrams, instructions, etc. The responsibility should be in no sense, as ascription tends to put it, upon these officers, but must always be assumed by the higher political officer."

One final word. The problems involved in the Division are in no sense problems of personal competence or integrity. Nor can any system of publication be devised which will not involve the exercise of judgment and discretion on the part of the staff. The work which they have in charge is voluminous in extent, the delays in execution are closely connected with the heavy demands made upon the Division, with the cumbrousness of governmental machinery, and with the very real problem of clearance. These delays might conceivably be overcome, at least in part, by more generous appropriations; but clearance is and will continue to be a perennial problem. There is a genuine dilemma involving, on the one hand, the justified desire of the public to be informed, and on the other, the necessity for maintaining confidential relationships with other governments and protecting individuals or governments from needless offense. The public interest is, of course, the paramount consideration. But no formula exists by which this interest can be determined for all times and cases. Inevitably, discretion must rest with those responsible for publication. That the Historical Division is and should be concerned with the publication of as full a record as is possible, taking into account all the factors in the equation, is the unanimous opinion of the Committee.

April, 1958

THOMAS A. BAILEY
CLARENCE A. BERDAHL
LELAND M. GOODRICH
RICHARD W. LEOPOLD
DEXTER PERKINS
PHILIP W. THAYER
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NEWS AND NOTES

1958 ANNUAL MEETING AND SLATE OF OFFICERS FOR 1958–59

The 1958 Annual Meeting of the Association will be held September 4–6, at the Sheraton-Jefferson Hotel in St. Louis, Missouri. Professor Marver H. Bernstein, of Princeton University, is Chairman of the Program Committee, and Robert Blackburn, Assistant to the Mayor of St. Louis, is Chairman of the Committee on Local Arrangements.

At the Annual Business Meeting the Nominating Committee (comprising Alexander Heard, Chairman, Homer Durham, George Galloway, Herman Pritchett, Victoria Schuck and Kenneth Thompson) will propose the following officers for 1958–59: President-Elect, Carl B. Swisher (Johns Hopkins); Vice-Presidents, John A. Vieg (Pomona), Walter Laves (Indiana) and Ernest S. Griffith (American University); Secretary, Gwendolen Carter (Smith College); Treasurer, Max M. Kampelman (Washington, D. C.); Members of the Council for two years, Morris W. H. Collins (University of Georgia), Charles Hardin (Chicago), Francis Heller (University of Kansas), Paul S. Jacobsen (Colgate), Elmer Plischke (University of Maryland), Allan Richards (University of New Mexico), John P. Roche (Brandeis) and Dwight Waldo (University of California, Berkeley).

PROGRAM: 1959 MEETINGS

Early appointment of the Program Committee for the annual meetings of the Association to be held in Washington, D. C. in September, 1959, makes it timely now to invite anyone having program suggestions for the occasion to convey them as soon as may be convenient to the Chairman or an appropriate member of the Committee. Its members are: Emmette S. Redford, University of Texas, Chairman; William M. Beaney, Princeton University, Public Law; Guy H. Dodge, Brown University, Political Theory; George B. Galloway, Library of Congress, National Government; H. Field Haviland, Jr., Brookings Institution, International Relations; John C. Honey, Carnegie Corporation, Public Administration; Dayton D. McKean, University of Colorado, Political Parties; Sigmund Neumann, Wesleyan University, Comparative Government; and York Willbern, University of Indiana, State and Local Government.

CONGRESSIONAL DISTINGUISHED SERVICE AWARDS

All political scientists are invited to submit nominations for the Congressional Distinguished Service Awards. Such nominations should be accompanied by supporting statements, and should be sent to the national office of the Association no later than November 15, 1958.

Four awards will be made: one to a Republican and one to a Democrat in each of the Houses of Congress. The final selection will be made by a committee of distinguished political scientists. In making the awards, the Committee will take into account the nominees' contribution to the work of the body of which he is a member, his industry and effectiveness, his efforts and ability to harmonize national and local interests, the respect which he enjoys from his colleagues, his own regard for those with whom he works, and his dedication to the principles of freedom.

Both the Senate and the House of Representatives have many hard-working and distinguished Members, whose services to their country often are not reflected in the daily press. The award program will seek to call attention to distinguished service, whether or not it received much publicity at the time. It is hoped that this form of recognition will help to emphasize the importance and value of a freely elected legislative body in the maintenance of the values, institutions, and processes of our democratic society.

The award program has been under discussion by the Association for some time and was given final approval at the Annual Meeting in New York in September, 1957. Funds for administering the award program have been granted the Association by former Senator William Benton of Connecticut.

PROFESSIONAL CONFERENCES

"Administrative concepts are not immutable rules. As the situation changes in a country or in the world, these concepts should change accordingly to conform with the ever-changing situation." Thus emphasizing the need for improvement and up-dating of administrative thinking and techniques, Vietnam's Vice-President, Mr. Nguyen-Ngoc-Tho welcomed delegates from ten Asian nations to a planning meeting, held in Saigon, February 7–13, to develop an agenda and working procedures for the Regional Conference on Public Administration to be held in Manila in June, 1958. The nations represented in Saigon were Australia, Republic of China, India, Japan, Republic of Korea, Laos, Federation of Malaya, the Philippines, Thailand, and the Republic of Vietnam.

Although translators and secretarial assistance were provided by the Michigan State University Vietnam Advisory Group and the Saigon ICA mission, no official American agency took any part in the actual deliberations. It is expected, as a result, that some Asian nations which did not participate in the preliminary meeting, fearing that it might be dominated by the U. S. or other western powers, will now send delegates to the June conference.

Close to 200 persons attended the 4th Annual Southern California Regional Conference of the American Society for Public Administration held at San Diego State College on January 31, 1958. The conference was sponsored by the San Diego, Los Angeles and Fresno Chapters of the A.S.P.A., and included panel discussions on such topics as "Projection Techniques for Planning Administrative Growth," "Case Studies in Administrative Theory and Practice," "Public Relations: Information or Propaganda?" "Electronic Data Processing," and "Motivating Management." An address by George Bean, city manager of the City of San Diego, was given at the dinner meeting.

The American Society of Criminology annual conference was held at the University of Southern California January 31–February 1. John P. Kenney associate professor in public administration was re-elected president of the group. Dean Henry Reining, Jr. of the school of public administration addressed the banquet on the subject "A Responsible Professional Organization." Dr. Marcel Frym, lecturer in the school of public administration and in the school of law, addressed the conference on the subject "Comparative Criminological Research." Samuel Jameson, lecturer in the school of public administration, participated in a public forum panel discussion on "Public vs. Police."

The District of Columbia Political Science Association inaugurated its program for 1958 with a meeting on January 30 at the Brookings Institution. The Association's president, Charles J. Zinn, introduced the guest speaker, Admiral Jerauld Wright, U.S.N., Supreme Allied Commander, Atlantic, Commander in Chief, Atlantic, and Commander in Chief, U. S. Atlantic Fleet, who spoke on the subject "NATO and the Allied Command Atlantic," pointing out the problems that face the NATO forces in the Atlantic and indicating the awareness of the United States and her allies to these problems and the plans to cope with emergencies.

The District of Columbia Association plans to hold two more meetings during the spring and two additional meetings in the fall, including the annual day-long meeting in December.

Forty-five leaders of Illinois governmental and other activities participated in the Illinois Assembly on State Government, February 21–23. The Assembly, meeting at the Allerton House conference center of the University of Illinois was jointly sponsored by the University and the American Assembly of Columbia University.

On January 10 and 11, 1958, a Mid Winter Conference of Indiana Mayors, sponsored jointly by the department of government of Indiana University and the City of Bloomington, Indiana, was held on the campus of Indiana University. Chief subjects discussed were cities and the Indiana constitution, cities and industrial location, trends in municipal finance, and problems of urban growth. Staff members of the department of government of Indiana University who participated in the program were: Lynton K. Caldwell, Louis E. Lambert, Walter H. C. Laves, Edwin B. McPheron, Pressley S. Sikes, and York Willbern.

The eighth annual meeting of the Iowa Conference of Iowa Political Scientists was held on the campus of Coe College, March 15, 1958. The morning meeting was devoted to the topic, "Politics of Taxation in Iowa." The main speaker was Professor William G. Murray of the economics department of Iowa State College. Professor Murray is a candidate for the Republican nomination for governor. The afternoon session heard District Judge Harvey Uhlenhopp speak on "Judicial Reform in Iowa." John Mashek of Iowa State College was elected president of the organization and John C. Brown of Iowa's Cornell College was elected secretary.

The department of political science at the University of Michigan sponsored a conference on research in international relations at Inglis House, Ann Arbor, February 28–March 2, 1958. Outside participants included: Frederick S. Dunn, Princeton University; Rupert Emerson, Harvard University; Leland M. Goodrich and Philip C. Jessup, Columbia University; Hans J. Morgenthau, the University of Chicago; Robert C. North and C. Easton Rothwell, Stanford University; Walter R. Sharp, Yale University; Harold Sprout, Princeton University; and Vernon Van Dyke, the State University of Iowa. The final planning committee for the conference was comprised of Henry L. Bretton, Inis L. Claude, Jr., Russell H. Fifield, George L. Grassmuck, Harold M. Jacobson, and Robert E. Ward of the University of Michigan.

The Woodrow Wilson department of foreign affairs of the University of Virginia conducted a conference on "New Trends in the Communist World" on February 7–8, 1958. Among the participants were Harrison Salisbury of the New York *Times*, Leo Gruliow of The Current Digest of the Soviet Press, John Keppel and James S. Sutterlin of the Department of State, Harvey Hall of the Ford Foundation, Hans Heymann, Jr., of the Rand Corporation, Harold J. Berman of the Harvard Law School, and Robert Bass of the Free Europe Press.

Plans for the World Congress of the International Political Science Association which is to be held in Rome September 16–20, are being completed. Information concerning participation in the sessions and local living accommodations can be secured by writing directly to the secretary general, Mr. John Goormaghtigh, 172, Route de Ferney, Grand-Saconnex, Geneva, Switzerland.

The 3rd Annual Community Leaders Conference on International Affairs was held on the Wyoming University campus February 20–22, 1958. The conference is part of the university's international affairs program and is supported by funds from the Carnegie Corporation which makes available 40 all expense paid fellowships for outstanding civic leaders from throughout the state. The theme for this year's conference was "Russia, A Time for Decisions." Charles P. Beall of the political science department, who was in the Soviet Union last summer, was the conference director.

OTHER ACTIVITIES

The Moses Coit Tyler Prize in American Intellectual History, made possible by the generosity of the Cornell University Press and by action of the Council of the American Historical Association, will be offered in 1959 for the best complete original manuscript submitted in English on American intellectual history.

"American intellectual history" is to be understood broadly to include histories of movements of thought, and of the recognized institutions or agencies of intellectual life, and biographies or studies of intellectual leaders in America. They must concern the area of the present United States during the years since 1607. Studies in the history of the arts and sciences, and in religious, economic, political, educational, or other topical ideas, are all sought, if they relate to the general history of American culture or events and are not confined to technical or specialized topics. Manuscripts must be scholarly and must be the author's first or second book. A doctoral dissertation to be eligible, even though it be revised from its original form, must be accompanied by a statement from the professorial adviser (or, in special cases, from another senior expert in the field) which certifies that in his judgment it is now ready for publication. Two copies of the manuscript must be submitted, one of them the ribbon copy, *no later than June 1, 1959*. The prize consists of $1500 in cash and publication by the Cornell University Press. Royalties accruing to the published work will be assigned to the American Historical Association.

The members for 1959 of the Committee on the Moses Coit Tyler Prize in American intellectual history are: Charles A. Barker, The Johns Hopkins University, Chairman; Ralph H. Gabriel, Yale University; John Higham, Rutgers University; Stow Persons, State University of Iowa; and Frederick Rudolph, Williams College. Inquiries and manuscripts should be addressed to the Chairman, from whom application forms and further details can be secured.

During the academic year 1958–59 the Social Science Research Council will accept applications from permanent residents of the United States and Canada for the following types of fellowships and grants for training or research in social science:

Predoctoral and Postdoctoral Research Training Fellowships, to provide more advanced research training than that afforded by the usual Ph.D. program. Predoctoral fellowships are available only after fulfilment of all requirements for the doctoral degree with the exception of the dissertation, but applications may be submitted in anticipation of fulfilling these requirements within the ensuing year.

Fellowships for Dissertation Completion, open to Ph.D. candidates who can complete the writing of their dissertations if freed from other occupation for terms ranging from a few months to a maximum of one year.

Fellowships in Political Theory and Legal Philosophy, open to Ph.D. candidates who have completed all requirements except the dissertation and to persons who have received the Ph.D. or a law degree within the past three years.

Grants-in-Aid of Research and *Faculty Research Grants*, in amounts up to $6000 to defray direct costs or to provide free time for individual research, or both; available only to scholars who are no longer candidates for degrees and whose capacity for effective research has been demonstrated by previous work. In 1958–59, for the first time, these grants will be awarded both in January and in April, with closing dates for applications November 1 and February 1.

Special grants for social science research in the following fields: American Governmental Processes; The Near and Middle East; Slavic and East European Studies.

International Conference Travel Grants equivalent to tourist-class fare for social scientists attending certain international meetings to be designated by the Council.

In addition to the foregoing appointments for which individuals may apply directly, nominations are invited for the following:

Faculty Research Fellowships, providing part-time release from other duties for independent research for a term of three years, for a few social science teachers, normally not over 35 years of age; available to college and university faculty members in the United States only.

Senior Research Awards in American Governmental Affairs, to provide maintenance and research expenses for one year for about five distinguished scholars.

Auxiliary Research Awards of $4000 to be awarded without reference to specific research projects to about 25 younger social scientists selected on the basis of past achievement and future promise of significant research.

Certain other specialized grant programs terminated with the awards made last spring: *State Politics; National Defense Problems; Field Studies of Political Groups in Foreign Areas.*

Closing dates for applications or nominations will differ for the several programs, the earliest being October 15. Prospective candidates are urged to write to the Social Science Research Council, 230 Park Avenue, New York 17, New York, as early as possible to be assured of receiving the detailed announcement which will be issued toward the end of summer. Requests for application forms should indicate age, highest academic degree held, present position or activity, and the purpose for which a fellowship or grant is desired.

Beginning in September, 1958, M.I.T. will accept a limited number of students for study in political and social science leading to the degree of Doctor of Philosophy in Political Science. In this program, special attention will be given to the interaction of science and technology with the political process.

The principal fields of instruction will be international relations and foreign policy, political communications, defense policy, government and science, political and economic development, and political theory and comparative politics.

Section K—Social and Economic Sciences—of the American Association for the Advancement of Science will hold sessions for contributed papers at the annual meeting of the AAAS in Washington, D. C., December 26–31, 1958. Association members interested in presenting a paper at these sessions should forward titles and abstracts not later than October 10 to the secretary of Section K, Donald P. Ray, National Academy of Economics and Political Science, George Washington University, Washington 6, D. C. The American Political Science Association is an affiliate member of the Section on Social and Economic Sciences of the AAAS.

The Twentieth Century Fund has announced a research project on "Time, Work and Leisure." The directors of the study are August Hecksher, director of the fund, and Sebastian de Grazia, visiting fellow of Princeton University. Thomas C. Fichandler, research associate of the fund, is associate director.

Financed by a grant of $100,000 from the Carnegie Corporation of New York, San Francisco State College has established an international studies project under the direction of Charles A. McClelland, professor of history and international relations. The staff includes Urban Whitaker as associate director, J. Cudd Brown and DeVere Pentony.

Under a grant from the Coe Foundation, Queens College had a lecture series this spring entitled "The Challenge of Communism to America." Coordinated by Mary E. Dillon, lecturers included George S. Counts, W. W. Kulski, Alexander Korol, Adolph A. Berle, Felix Morley and Willmoore Kendall.

The American Council of Learned Societies has received a grant of $500,000 from the Ford Foundation for a program to encourage international scholarly congresses to meet in the United States. International congresses in the humanities and the social sciences will be supported by these funds over a period of five to ten years. The grant will be administered by the ACLS in cooperation with the Social Science Research Council. Selections under the grant will be restricted to broadly significant multinational conferences which have the official sponsorship of a constituent society member of the ACLS or the SSRC.

Charles Aikin, chairman of the department of political science of the University of California, Berkeley, will be on leave for the spring term. Victor Jones will be acting chairman in his absence. Norman Jacobson will be vice chairman of the department.

Russell H. Barrett of the University of Mississippi has been awarded a fellowship in East Asian Studies for one year of post-doctoral study at Harvard University in 1958–59.

Paul C. Bartholomew, University of Notre Dame, will be a member of the summer session staff at Michigan State University.

Professor Rudolf Bicanic of the University of Zagreb is serving as visiting professor of government at The University of Texas during the spring semester 1957–58, taking the place of Professor Eduard Taborsky who is on research leave.

Thomas C. Blaisdell, Jr., director of the bureau of international relations at the University of California, Berkeley, is spending his sabbatical leave from January 1 to September 1, 1958 traveling and doing research in Europe.

Robert P. Boynton of the State University of Iowa has received a grant from the Social Science Research Council to attend the Summer Research Training Institute on The Analysis of Electoral Behavior to be held June 23–August 15, 1958 at Ann Arbor, Michigan.

Ralph Braibanti of Duke University spent two months in Pakistan and India early this year as a member of the American delegation to the International Conference of the Institute of Pacific Relations which convened at Lahore, Pakistan, February 3–12, 1958. While in Pakistan, Professor Braibanti began a research project which he will continue under auspices of a grant from the Social Science Research Council during the summer of 1958.

Cecil C. Brett, department of government, Indiana University, has received a summer faculty grant from Indiana University's graduate school.

Herbert W. Briggs of the department of government at Cornell University has been appointed Carnegie Endowment for International Peace lecturer in international law at The Hague Academy of International Law in Holland for 1958. Professor Briggs will give a series of lectures in August, 1958 at The Hague on the topic "Reservations to the Acceptance of Compulsory Jurisdiction of the International Court of Justice." Other lectures will be given by professors of international law from the Universities of Moscow, Geneva, Paris, Havana, Bonn, Delhi, Ghent and Milan.

The Brookings Institution research fellowships in governmental studies for 1958–59 were awarded to Murray C. Havens, Dalmas H. Nelson, and Fauneil J. Rinn.

David Butler, Fellow of Nuffield College, Oxford, will serve as visiting professor of government in the summer session, 1958 at Cornell University.

Byrum E. Carter, of Indiana University's department of government, has received a grant from the American Council of Learned Societies to assist in a research project.

Gwendolen M. Carter gave a series of lectures on the Commonwealth of Nations, March 3–9, at the University of California (Los Angeles). She is on sabbatical leave from Smith College.

Douglas H. Carlisle taught during the spring semester at the Naval War College, Newport, Rhode Island.

Claremont Men's College is establishing an institute of federalism to encourage faculty studies on problems of centralization and decentralization of government both in the United States and abroad.

The political science and related departments at Coe College were accorded a rare treat, through the courtesy of our Association's Governmental Affairs Institute and the Department of State, on January 20, when ten members of, or others connected with, the parliaments of seven of the NATO countries had an interlude in their thirty-day visit to American military installations, spending a day on the Coe College campus. Following a brief, general introductory meeting, two concurrent morning sessions considered the effect on NATO of (1) economics and (2) of diplomacy and the United Nations. An informal luncheon was followed by two similarly concurrent seminar sessions which dealt with the relation to NATO of (1) education, culture, and science, and (2) defense and arms. A general evening session, with all visiting members and the interpreters participating, heard a brief summary of the prior sessions and discussed NATO and western civilization on trial, with some effort to relate internal governmental features to the problems of international relations.

The visitors were: Canada—Eric A. Winkler, M.P.; Denmark—Carl Langseth, Permanent Under Secretary in the Ministry of Defense, and A. C. Normann, Member of the Folketing; France—Senator Jacques de Menditte, and Jean Seitlinger, Deputy in the Assembly; Germany—Dr. Franz Engst, Staff Assistant to the Bundestag Committee on Defense; Iceland—Fridjon Thoradarson, Member of the Althing; Italy—Dr. Franco Restivo, Member of the Sicilian Regional Assembly and Professor of Constitutional Law, University of Palermo, and Senator Guiseppe Sibille; United Kingdom—R. Gresham Cooke, M.P.

On March 8, 1958, the institute of government, University of Utah, joined with the Utah Federal Personnel Council in sponsoring a commemorative service observing the diamond jubilee of the signing of the Civil Service Act of 1883. The main address was given by Rosco C. Silciliano, special assistant to the President for personnel management.

October, 1958, will see the first issue of a new international quarterly, *Comparative Studies in Society and History*, to be published by Mouton of The Hague with initial support from several American Universities. The purpose of the journal is to serve as a clearing house for substantive work on problems that are common to any two or more of the numerous branches of study dealing with man's life in society. It will treat any subject that bears on the explanation of stability or change within a social structure, including ways of thought or expression, and it will deal with forms of cultural interchange.

Lane Davis, associate professor of political science at the State University of Iowa, will serve as visiting associate professor during the summer session 1958 at Cornell University.

Herbert A. Deane will be on research leave from Columbia University during the academic year 1958–59.

The Dearborn Foundation has renewed for two years its grant to the Woodrow Wilson Department of Foreign Affairs of the University of Virginia in support of a research program on Soviet-bloc foreign economic policy. The program is under the direction of Robert Loring Allen. Staff members presently assigned to the project include Stanley Zyzniewski, Shao Chuan Leng and Craig Lovitt.

David R. Derge of Indiana University's department of government has received a grant from the Social Science Research Council to attend the summer session at the Research Computing Center at the University of Michigan.

James R. Donoghue, director of the bureau of government, University of Wisconsin, will be on leave for six months starting July 1, 1958 doing research under a grant from the university.

G. Homer Durham, vice-president, University of Utah, is serving as a member of the board of editors of the *Public Administration Review.*

Ernest A. Engelbert has been granted a leave from the department of political science and the bureau of governmental research at U.C.L.A. in order to accept a position as associate director of university extension, northern division, of the University of California.

Rowland Egger, chairman of the departments of political science and foreign affairs at the University of Virginia, will be on leave during 1958–59 to do research under a senior research award in American governmental affairs made by the Social Science Research Council.

Mr. Henry Fagin, associate director, Regional Plan Association, Inc., New York City, is spending the spring and summer of 1958 as visiting research professor in governmental affairs—the first appointee under the Ford Foundation Grant to the department of political science at the University of California, Berkeley.

Charles Fortenberry is acting dean of the graduate school at the University of Mississippi.

Richard W. Gable of the University of South California has accepted a position as visiting assistant professor, at U.C.L.A. for the second semester, 1957–1958.

Herbert Garfinkel, of Dartmouth College, has been appointed a fellow at the Center for Advanced Study in the Behavioral Sciences for 1958–59 and has received a grant from the Social Science Research Council for work at the Survey Research Center, University of Michigan, during the summer.

Andrew Gyorgy of Boston University has been appointed Chester W. Nimitz professor of political science at the Naval War College for the academic year 1958–59.

Manfred Halpern, Special Assistant to the Chief of the Division of Research and Analysis for Near East, South Asia, and Africa, Department of State, is teaching a graduate seminar on Politics and International Relations in the Middle East and North Africa at George Washington University during the spring of 1958. In the fall, he will take nine months' leave from the Department of State in order to teach in the same field at Princeton University.

Frank Grace, associate professor of political science at the University of Michigan, is spending his sabbatical leave during the spring semester in Munich, Germany. He has been invited by the German government to be their guest together with a party of other political scientists for an official tour through that country in July.

Edvard Hambro is spending the spring semester, 1958, as visiting professor of political science at the University of California, Berkeley, and will offer courses in international law. Professor Hambro is a member of the faculty of the Norwegian Commercial University, Bergen, and formerly Registrar of the International Court of Justice at The Hague.

Robert W. Hattery, instructor in political science, bureau of government, University of Wisconsin, will be on leave for six months starting April 1, 1958. His wife, Carolyn Potshke Hattery, will take over the citizens world affairs program in the bureau.

Samuel Hendel of the College of the City of New York will teach at Columbia University during the next academic year.

Roger Hilsman has been promoted to deputy director of the legislative reference service, the Library of Congress. He has also been appointed research consultant of the Washington center of foreign policy research, the Johns Hopkins University.

Edward H. Hobbs is acting chairman of the department of research in business and public administration at the University of Mississippi.

John Perry Horlacher, University of Pennsylvania, has been appointed chairman of an Industry Committee to establish minimum wage rates in Puerto Rico under the Fair Labor Standards Act. The committee is scheduled to hold meetings in May and early June.

Abraham Holtzman of North Carolina State attended a nine week seminar workshop on television and international affairs in Denver, Colorado from June to September, 1957. The workshop was sponsored by the Ford Foundation and conducted by the University of Denver.

Ronald F. Howell, Emory University, was on leave during the spring quarter doing research in France under grants from The American Philosophical Society and the Emory University Research Council.

Philip C. Jessup, Hamilton Fish Professor of International Law and Diplomacy. Columbia University delivered the tenth series of Thomas M. Cooley Lectures at the University of Michigan Law School February 27–March 7, 1958. His topic was "The Use of International Law—A Re-examination."

Robert V. Kirch, department of government at the Indianapolis Center at Indiana University, has received a summer faculty grant from the University's Graduate School.

Walter H. C. Laves, chairman of the department of government at Indiana University has been reelected to the board of directors of the American Council of Learned Societies for a four-year period. Mr. Laves has also been appointed to the American Council on Education's Committee on Institutional Projects

Abroad for a three year term, beginning January 1958.

Werner Levi of the University of Minnesota, has accepted an invitation to join the research staff of the Graduate Institute of International Studies in Geneva from October, 1958 to March, 1959. He will spend the whole academic year in Europe.

Joseph Roucek has been recently appointed the American editor of IL POLITICO, edited by Professor Leoni Bruoni, University of Pavia in Italy.

Leslie Lipson has been appointed acting director of the bureau of international relations at the University of California, Berkeley, for the spring semester, 1958.

Clarence C. Ludwig of the University of Minnesota, who suffered a heart attack in December, is recovering nicely, but will not be able to resume his duties as director of the municipal reference bureau and executive secretary of the League of Minnesota Municipalities, until late spring.

Stuart A. MacCorkle of The University of Texas has been granted leave from April 1, 1958, to February 1, 1959, in order to accept a position as head of the program in public administration at the Seoul National University of Korea. The program is under the direction of the University of Minnesota on contract with the International Cooperation Administration and is part of a general project designated to rehabilitate the National University. Professor MacCorkle will return to the University of Texas in 1959.

John A. Marcum, assistant professor at Colgate University has been granted leave of absence for the academic year; 1958–59 to accept a Ford Fellowship for study in French West and Equatorial Africa.

Bruce Mason of the department of political science, University of Florida, has resigned to accept an appointment in the institute of government and public affairs at the University of Illinois.

Hans Morgenthau, of the University of Chicago, has been appointed a member of the Princeton Institute for Advanced Study and Associate of the Washington Center of Foreign Policy Research for the academic year 1958–59.

Herbert J. Muller, professor of English and government at Indiana University has accepted an invitation from New York University as visiting distinguished professor at New York University for the first semester of 1958–59.

Nebraska Wesleyan University conferred its Second Annual Woods Award for Distinguished Teaching on a veteran professor of political and social science—E. Glenn Caller—at a Founders Day Convocation yesterday. President Vance D. Rogers presented the citation and a check for $1,000 to the 64-year-old political and social scientist who has served continuously on the Wesleyan staff since 1919.

Lowell G. Noonan, associate professor of political science, University of Southern California, is serving as Fulbright research professor at the Institut d'Etudes politique, University of Paris during 1957–58.

K. J. Newman of Dacca University in Pakistan will be a visiting professor at the Near and Middle East Institute at Columbia University during the coming winter session.

Norman D. Palmer, University of Pennsylvania, is teaching a seminar during the spring semester at the School of Advanced International Studies in Washington, D.C.

Robert G. Neumann has been granted a special leave from U.C.L.A., March 31–April 18, in order to accept an invitation of the French Government to visit Algeria and to consult with officials there.

On January 31, 1958, the first group of eleven Pakistanis, members of the Superior Civil Service of Pakistan arrived at the University of Southern California for a six months executive development program under International Cooperation Administration contract.

John M. Pfiffner lectured to the Public Administration Center group at the University of Minnesota on February 5. In the afternoon, he lectured on the subject "The Administrator's Utilization of Research" and in the evening he spoke to the student chapter of ASPA on the subject of "The Evolution of Organization Theory."

The University of Pittsburgh has announced the establishment of a graduate school of public and international affairs. Donald C. Stone has been appointed dean.

James C. Powell Jr. will replace Robert J. Cavanaugh as head of a group of foreign service officers who are teaching the correspondence study course in visa law and administration at the University of Wisconsin.

Laurence I. Radway, of Dartmouth College, will direct a seminar on national security policy research, sponsored by the Social Science Research Council, at Dartmouth College during the summer.

Emmette S. Redford will be on leave from The University of Texas during the year 1958–59 to conduct a project made possible by a special grant from the Social Science Research Council. Professor Redford will spend the year in Washington, D.C.

Clinton Rossiter, chairman of the department of government at Cornell University, served as visiting professor of politics at Princeton University during the spring term, 1958. This was in addition to his regular duties at Cornell.

Richard M. Scammon served during the spring term as lecturer at the School of Advanced International Studies. In March he spent two weeks in the Soviet Union as chairman of the United States delegation to observe the elections to the Supreme Soviet.

Kurt Schell of Harpur College served as visiting lecturer in government during the spring term 1957–58 at Cornell University.

Richard F. Staar, professor of political science and head of the social science department at Arkansas State is on leave of absence to organize a propaganda analysis department and to serve as its first director at Radio Free Europe in Munich, Germany.

David Spitz, professor of political science at Ohio State University, will serve as visiting professor of government during the academic year 1958–59 at Cornell University.

Peter Self of the London School of Economics served as visiting associate professor of government during the spring term at Cornell University.

Frank Sherwood, on leave from the University of Southern California, spent three months in Iran as a consultant to the Institute for Administrative Affairs, University of Tehran—November and December of 1957 and January of 1958.

Walter R. Sharp, of Yale University, was one of two American political scientists invited to participate in an International Research Conference on "Problems of Peaceful Cooperation," sponsored by UNESCO, at Munich, Germany, December 14–21, 1958. Professor Sharp also was elected to membership on the Committee on Comparative Administration established by the American Society for Public Administration.

John R. Schmidhauser of the State University of Iowa has received a grant from the Social Science Research Council to attend the Summer Research Training Institute on the Judicial Process to be held July 7–August 22, 1958, at Madison, Wisconsin.

Paul G. Steinbicker, chairman of the department of government at St. Louis University is on leave during the current semester to serve as visiting professor of political science at the University of California at Los Angeles.

Kurt Steiner, department of political science at Stanford University, was granted a leave of absence during the spring quarter of 1958 to complete a research project in Japan which is being financed by a five-year Ford Foundation grant to the Committee on East Asian Research at Stanford. Professor Steiner will be teaching political science during the summer at the newly established Stanford Study Center near Stuttgart, Germany.

H. Arthur Steiner attended the Thirteenth International Conference of the Institute of Pacific Relations held in Lahore, Pakistan, February 3–12, 1958, as a member of the American delegation. Dr. Steiner wrote a preparatory paper for the Conference on the subject: "The International Position of Communist China: Political and Ideological Directions of Policy."

Kenneth Thompson of the Rockefeller Foundation will serve as a visiting professor of international organization at Columbia during the winter session of 1958–59.

Morgan Thomas, associate professor of political science at the University of Michigan, has been appointed supervisor of a research project by the Maritime Administration of the Department of Commerce. Its purpose is to examine the legal and administrative problems which will be encountered in operating the N. S. Savannah, a government-owned nuclear powered merchant ship, on a round-the-world "atoms for peace" tour.

Herman H. Trachsel, head of the political science department, University of Wyoming, is on sabbatical leave from the University. Professor Ralph M. Wade is acting head of the department during his absence.

Raymond Uhl, formerly of the University of South Carolina, is serving as visiting professor of political science at the University of Minnesota for the winter and spring quarters.

Donald S. Vaughn is acting assistant director of the bureau of public administration at the University of Mississippi.

P. J. Vatikiotis of the department of government at Indiana University has received a grant from the Social Science Research Council to carry on field research in the Near East during the academic year 1958–59.

Dwight Waldo has been appointed acting director of the bureau of public administration at the University of California, Berkeley, from January 1 to September 1, 1958.

Ellsworth E. Weaver, managing editor of the *Western Political Quarterly* and professor in the department of political science at the University of Utah, has conducted a series of county schools for county officers conducted under the auspices of the State Department of Vocational Education and Utah State Association of County Officials.

Russell Whitesel of the State University of Iowa will be on half-time during the second semester of 1957–58 and the first semester of 1958–59 to continue his work with the Woodrow Wilson Fellowship Foundation.

John Whitton of Princeton was invited by the French Universities to deliver a paper in November before the Institute for the Study of African Development, in Paris, and then was flown with the members of the Institute to visit Algiers, Constantine, the oil wells of the Sahara, the plantations of the Niger, and the port of Abidjan on the Ivory Coast.

J. D. Williams, department of political science, University of Utah, served as secretary for the Home Rule Committee for Salt Lake City which fought a losing battle to obtain Home Rule for Utah's capital city.

APPOINTMENTS AND STAFF CHANGES

Paul F. Ashby has been promoted to full professor of government at San Francisco State College.

Charles R. Ball has resigned his research assistantship with the bureau of government, University of Wisconsin to accept the position of technical director for the Milwaukee Metropolitan Study Commission created by the 1957 session of the state legislature.

Russell H. Barrett was promoted to the rank of associate professor of political science at the University of Mississippi.

Joseph Black of Miami University has been appointed chairman of the department of government replacing Howard White.

Richard L. Butwell has been appointed assistant professor of political science at the University of Illinois.

Harold R. Bruce, who will retire in June after thirty-eight years of active teaching at Dartmouth College, has been appointed John Hay Whitney Foundation visiting professor at Pomona College for 1958–59.

Ben G. Burnett has become associate professor of political science at Whittier College.

Brownlee Sands Corrin, assistant professor of the political science department at Goucher College has been appointed to the chairmanship of that department for the year 1958–59.

S. A. Crouse, chairman of the department of political science, has been promoted to full professor at Washington and Jefferson College.

Royden Dangerfield has been appointed associate provost and dean of administration at the University of Illinois.

John M. DeGrove, formerly at the University of North Carolina has been appointed assistant professor at the University of Florida.

John Paul Duncan of the University of Oklahoma has become full professor of political science.

Leon H. Ellis of Duke University resigned February 15, 1958 after eleven years service in the department of political science.

Hugh Elsbree chairman of the department of political science at Wayne State University has been appointed director of the Legislative Reference Service of the Library of Congress.

Michael J. Flack, formerly of the political science department at Vassar College, has been active during 1957–58 as full-time consultant on international affairs to the American Council on Education. Beginning in 1958–59, he is joining the graduate school of public and international affairs at the University of Pittsburgh as associate professor.

Lawrence H. Fuchs has been promoted to associate professor of politics at Brandeis University. He has been awarded a Social Science Research Council grant for research in political behavior in Hawaii.

William R. Gable has been appointed lecturer in the department of political science, University of Michigan.

Frederick Gareau joined the staff of the department of political science at the University of Mississippi as assistant professor.

Elliot Goodman has been promoted to an assistant professorship at Brown.

Elisha Greifer has been appointed to an instructorship in political science at Vassar College for the 1958–59 academic year.

Charles O. Hardy, a graduate student in government at Indiana University, has been appointed to the faculty of Wabash College.

Gladys M. Kammerer, formerly professor of political science at the University of Kentucky, will become professor of political science and director of the University of Florida public administration clearing service, beginning September, 1958.

Robert Langer, visiting professor of political science at Queens College has retired.

Robert E. Lorish has been promoted to the rank of professor of political science at Ohio Wesleyan University.

David Manwaring—a candidate for the doctorate at the University of Wisconsin has been appointed as instructor, beginning in September, 1958 at Brown University.

Frank A. Mesple has been promoted to assistant professor of social science at San Francisco State College.

Robert Morgan, formerly associate professor of political science at the University of Nebraska, has been appointed associate professor of political science at the University of Virginia. During 1957–58 Professor Morgan served as visitng associate professor of political science at Charlottesville.

Steven Muller of Haverford college has been appointed assistant professor of government as of July 1, 1958 at Cornell University.

Walter F. Murphy has been appointed assistant professor in the department of politics at Princeton University.

Maurice E. O'Donnell, formerly of Michigan State University, has been appointed assistant professor and research associate in the bureau of governmental research at the University of Maryland.

William G. O'Hare, Jr., is now assistant director of the bureau of government research at the University of Massachusetts. He formerly was chairman of the division of social sciences at St. Edward's University in Austin, Texas.

Ivan Parkins, formerly of the University of Florida, has become associate professor of government at Jacksonville University.

Josephine M. Pisani, assistant professor of political science at Queens College has resigned as of August 31, 1958.

C. Gordon Post, professor of political science at Vassar College, will be departmental chairman at Vassar College, 1958–60.

Rouhollah Ramazani, formerly lecturer in Middle Eastern studies at the University of Virginia, has been appointed assistant professor of foreign affairs.

Marvin Rintala, candidate for the doctorate at the Fletcher School of Law and Diplomacy, has been appointed an instructor, beginning September, 1958 at Brown University.

John P. Roche, professor of politics and chairman of the department of politics at

Brandeis, has been appointed dean of the faculty for 1958–59.

Geddes W. Rutherford has been promoted to the rank of associate professor of political science at Queens College.

Robert A. Rupen, formerly of Bryn Mawr College, has accepted an appointment as associate professor of political science at the University of North Carolina at Chapel Hill.

Milton Sacks has been promoted to assistant professor of politics at Brandeis University.

Warner Schilling of the Massachusetts Institute of Technology has accepted an invitation to join the department of government at Columbia College as assistant professor of international relations.

John A. Schutz has been promoted from associate professor of political science to full professor at Whittier College.

Irving P. Schwartz has been appointed lecturer in political science at Queens College. He is also a member of the staff of the president of Queens College.

George R. Sherrill retired as head of the political science department of the University of South Carolina and was succeeded by H. B. Mayo.

Julius Smulkstys, Ph.D. candidate in government at Indiana University has been appointed to the faculty of the University's Indianapolis Center.

James K. Sours, University of Wichita, has been appointed chairman, department of political science and will assume his new duties on July 1.

Ralph A. Straetz has become associate professor of political science at New York University and has been appointed executive secretary of the department of political science at the University College of Arts & Science. Professor Straetz has also been appointed a permanent member of the summer faculty of the Smith College School for Social Work.

R. J. Tresolini has been promoted to the rank of professor of political science at Lehigh University.

Hugo Wall of the University of Wichita has been appointed dean of the graduate school and will assume that job on July 1. He has been with the University and has been head of the department of political science since the fall of 1929.

Charles F. Whittemore was appointed assistant professor of political science at the University of Wyoming for the 1957–58 academic year.

W. Howard Wriggins, associate professor-elect of political science at Vassar College, has been appointed chief of the foreign affairs division, Legislative Reference Service, Library of Congress.

Neal Wood, currently a lecturer at Barnard College, has accepted an invitation to become a lecturer at Columbia College.

Quincy Wright, during 1957–58 professor of international law in the Indian School of International Studies at New Delhi, will join the faculty of the Woodrow Wilson Department of Foreign Affairs of the University of Virginia in the autumn as graduate professor of international law.

IN MEMORIAM

Leonard Dupee White, a member of the University of Chicago faculty from 1920 to 1956, and for three decades the most influential figure in the study of American public administration, died on February 23, 1958. After a serious operation in August, 1956, he had recovered sufficiently to resume his work, and had completed the fourth and final volume of his administrative history of the United States before his death.

Leonard White was born in Acton, Mass., on January 17, 1891. He graduated from Dartmouth College in 1914, and received his Ph.D. from the University of Chicago in 1921. He taught at Dartmouth and Clark University before joining the U. of Chicago faculty in 1920. With the encouragement of Charles E. Merriam, White began to develop courses and research in public administration, and in 1926 published the first textbook in that field, *Introduction to the Study of Public Administration*. Running through four editions, this book did more than any other volume to conceptualize the administrative field for American scholars.

After publication of the first book on the newly-developing city manager profession in 1927, White turned his attention to the personnel field, and did two pioneering studies on the prestige value of public employment. Always strongly drawn toward the British civil service system, he spent a year in England and wrote his book on *Whitley Councils* (1933). For President Hoover's Committee on Social Trends, he did the monograph, *Trends in Public Administration* (1933).

His first important public service was with the Chicago Civil Service Commission, on which he served from 1931 to 1933. He was a member of the U. S. Civil Service Commission from 1934 to 1937, and there he instituted the junior civil service examiner examination, forerunner of the present federal service entrance examination, as a means of bringing college graduates into the government service.

On the retirement of Charles Merriam in 1940, White became chairman of the department at Chicago, a post he held until 1948. In 1944 he began work on an administrative history of the United States, a project so vast that he recognized it would require the rest of his academic life for completion. The first volume, *The Federalists,* appeared in 1948, receiving the Woodrow Wilson award of the American Political Science Association. *The Jeffersonians* followed in 1951, and *The Jacksonians* in 1954, the latter volume receiving the Columbia University Bancroft Prize in American History. *The Republican Era* was published posthumously in 1958.

As his administrative history neared completion, White turned his attention to another equally ambitious project, collection and publication of the papers of James Madison. Largely through his efforts funds were secured for a 12-year enterprise, and on his retirement in 1956 from his post as Ernest DeWitt Burton Distinguished Service Professor of Public Administration, he assumed the co-editorship of the Madison project.

White was a member of President Roosevelt's Committee on Civil Service Improvement (1939–41), of the first and second Hoover Commission task forces on personnel, and of the Loyalty Review Board (1950–52). He was president of the American Political Science Association in 1944, and of the American Society for Public Administration in 1947. He received the Rockefeller Public Service Award of Princeton University in 1952, and the Stockberger Award of the Society for Personnel Administration in 1954.

White was a prodigious worker with a New England conscience and a powerfully precise and logical mind. But his great influence was due just as much to the genuineness and modesty of his personality, his integrity of character, and his unfailing courtesy and thoughtfulness. He enriched the lives and provided an example for all those who were fortunate enough to be associated with him. He was truly a gentleman and a scholar.—C. HERMAN PRITCHETT, *The University of Chicago.*

Andre Laurensius Van Assenderp of the political science department at the Florida State University died February 12, 1958 at the age of fifty.

Professor Van Assenderp was born in the Dutch East Indies. He was educated in Java and at The Hague and University of Leiden, from which he received his doctor's degree. He had a distinguished career in the Dutch foreign service and, during World War II, in the Royal Netherlands Indies Army.

Coming to the United States, he joined the faculty of Tulane University in 1947. Two years later he was appointed to the faculty of the Florida State University in Tallahassee. Professor Van Assenderp became a citizen of the United States in 1951.

At the time of his death Professor Van Assenderp was teaching classes in international politics and Far Eastern and Latin American governments. He brought to his teaching knowledge compounded of experience and scholarship which stimulated his students and colleagues alike.

Dr. Van Assenderp gave of himself without thought of the consequences to his physical well-being. He was addressing students at the local high school at the moment of his death.

He will be remembered and cherished by his students and colleagues as a teacher and a friend.

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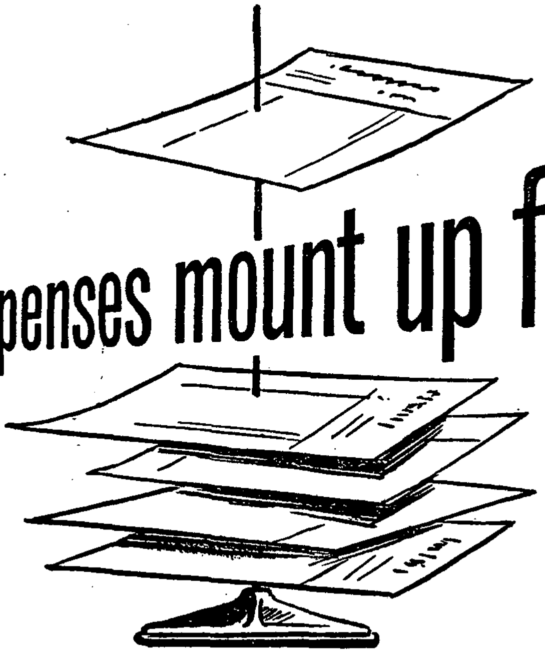

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